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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 41—General Tax Provisions
EMERGENCY AMENDMENT**

12 CSR 10-41.010 Annual Adjusted Rate of Interest. The department is amending section (1).

PURPOSE: Under the *Annual Adjusted Rate of Interest* (section 32.065, RSMo), this amendment establishes the 2011 annual adjusted rate of interest to be implemented and applied on taxes remaining unpaid during calendar year 2011.

EMERGENCY STATEMENT: The director of revenue is mandated to establish, not later than October 22, an annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year as set by the Board of Governors of the Federal Reserve rounded to the nearest full percent. This emergency amendment is necessary to ensure public awareness and to preserve a compelling governmental interest requiring an early effective date in that the amendment informs the public of the established rate of interest to be paid on unpaid amounts of taxes for the 2011 calendar year. A proposed amendment that covers the same material is published in this issue of the *Missouri Register*. The director has limited the scope of the emergency amendment to the circumstances creating the emergency. The director has followed procedures calculated to assure fairness to all interested persons and parties and has

complied with protections extended by the Missouri and United States Constitutions. This emergency amendment was filed October 22, 2010, becomes effective January 1, 2011, and expires June 29, 2011.

(1) Pursuant to section 32.065, RSMo, the director of revenue, upon official notice of the average predominant prime rate quoted by commercial banks to large businesses, as determined and reported by the Board of Governor/'s of the Federal Reserve System in the Federal Reserve Statistical Release H.15(519) for the month of September of each year, has set by administrative order the annual adjusted rate of interest to be paid on unpaid amounts of taxes during the succeeding calendar year as follows:

Calendar Year	Rate of Interest on Unpaid Amounts of Taxes
1995	12%
1996	9%
1997	8%
1998	9%
1999	8%
2000	8%
2001	10%
2002	6%
2003	5%
2004	4%
2005	5%
2006	7%
2007	8%
2008	8%
2009	5%
2010	3%
2011	3%

AUTHORITY: section 32.065, RSMo 2000. Emergency rule filed Oct. 13, 1982, effective Oct. 23, 1982, expired Feb. 19, 1983. Original rule filed Nov. 5, 1982, effective Feb. 11, 1983. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Oct. 22, 2010, effective Jan. 1, 2011, expires June 29, 2011. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

PROPOSED AMENDMENT

4 CSR 240-3.510 Filing Requirements for Telecommunications Company Applications for Certificates of Service Authority to Provide Telecommunications Services, Whether Interexchange, Local Exchange, or Basic Local Exchange. The commission is amending the title, section (1), and paragraph (1)(D)1.

PURPOSE: This rule is being amended to simplify the submission of financial documentation with applications for certification as a provider of basic local telecommunications services.

(1) In addition to the requirements of 4 CSR 240-2.060(1), applica-

tions for a certificate of service authority to provide telecommunications services, whether interexchange, local exchange, or basic local exchange, shall include:/—

(D) If the application is for basic local exchange service authority, the application shall also include the following:

[1. A statement that the applicant possesses sufficient technical, financial and managerial resources and abilities to provide basic local telecommunications service.

A. The application shall contain supportive financial information that includes twelve (12) months of historical financial statements comprised of a balance sheet and an income statement for any applicant that has been engaged in previous business operations and any company that will be providing financial support to the applicant. Entities with no prior business operations or any relationship with a company that will be providing financial support to the applicant will not be expected to provide any historical financial information.

B. Applicant shall submit on a pro forma basis, at least twelve (12) months of financial statements comprised of a balance sheet and an income statement.

C. Financial data shall reflect Missouri specific information to the extent such information is available. Company-wide financial information may be substituted in the event that Missouri specific information is not available.

D. Pro forma financial information must demonstrate the following:

(I) The applicant has a debt to total capital ratio no greater than sixty-two percent (62%) and a pretax interest coverage of at least 2.3x; and/or

(II) The applicant has a cash or cash equivalent balance of at least four (4) months operating expenses inclusive of interest expense and taxes.

(a) If the pro forma for the applicant demonstrates the requirement set forth in subparagraph D. above, only the pro forma for the applicant need be submitted. If the pro forma for the applicant does not demonstrate the requirement in subparagraph D., the applicant must submit a combined pro forma for the applicant and the company that will be providing support for the applicant, that meets the requirement in subparagraph D.

(b) If any of the items required under this rule have been submitted by applicant in a previous application within a year of this application, the same may be incorporated by reference to the case number in which the information was furnished, so long as such applicable information is current and correct;]

1. An affidavit signed by an officer of the applicant stating that the applicant possesses sufficient technical, financial, and managerial resources and abilities to provide basic local telecommunications service. This affidavit shall also affirm that the applicant, its parent company, affiliates, and principals have not defaulted on any of their financial obligations within the last three (3) years. If the applicant and/or its parent company have no historical credit experience, then the affidavit shall state that the applicant has access to capital sufficient for the start-up operations of the applicant. The affidavit shall be accompanied by adequate documentation to demonstrate that the applicant possesses sufficient technical, financial, and managerial resources and abilities to provide basic local telecommunications service;

2. A statement that the applicant will satisfy the minimum standards established by the commission;

3. A statement that sets forth the geographic area in which the applicant proposes to offer service and demonstrates that such area follows exchange boundaries of the incumbent local exchange telecommunications company and is no smaller than an exchange;

4. A statement that the applicant will offer basic local telecommunications service as a separate and distinct service; and

5. A statement that the applicant will give equitable access to all Missourians, regardless of where they live or their income, to affordable telecommunications services.

AUTHORITY: sections 386.250[,] and 392.455, *RSMo 2000 and sections 392.450[,] and 392.451, RSMo Supp. 2010*. Original rule filed Aug. 16, 2002, effective April 30, 2003. Amended: Filed March 19, 2004, effective Nov. 30, 2004. Amended: Filed Oct. 28, 2010.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Steven C. Reed, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before January 3, 2011, and should include a reference to Commission Case No. TX-2010-0099. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/case-filing-information>. A public hearing regarding this proposed amendment is scheduled for January 4, 2011, at 10:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 22—Electric Utility Resource Planning

PROPOSED AMENDMENT

4 CSR 240-22.010 Policy Objectives. Changes are made throughout this rule to enable it to meet current and future Missouri energy policies.

PURPOSE: This proposed amendment updates the current policy objectives of the resource planning process to reflect current Missouri energy policies.

(1) The commission's policy goal in promulgating this chapter is to set minimum standards to govern the scope and objectives of the resource planning process that is required of electric utilities subject to its jurisdiction in order to ensure that the public interest is adequately served **with a view to the public welfare, efficient facilities, and substantial justice between patrons and public utilities.** Compliance with these rules shall not be construed to result in commission approval of the utility's resource plans, resource acquisition strategies, or investment decisions.

(2) The fundamental objective of the resource planning process at electric utilities shall be to provide the public with energy services that are safe, reliable, and efficient, at just and reasonable rates, **in compliance with all legal mandates, and** in a manner that serves the public interest. *[This] The fundamental objective requires that the utility shall—*

(A) Consider and analyze demand-side *[efficiency and] resources, renewable energy [management measures], and supply-side resources* on an equivalent basis *[with supply-side alternatives]*, **subject to compliance with all legal mandates that may affect the selection of utility electric energy resources,** in the resource planning process;

(B) Use minimization of the present worth of long-run utility costs as the primary selection criterion in choosing the preferred resource plan, **subject to the constraints in subsection (2)(C);** and

(C) Explicitly identify and, where possible, quantitatively analyze any other considerations which are critical to meeting the fundamental objective of the resource planning process, but which may constrain or limit the minimization of the present worth of expected utility costs. The utility shall **describe and** document the process and rationale used by decision-makers to assess the tradeoffs and determine the appropriate balance between minimization of expected utility costs and these other considerations in selecting the preferred resource plan and developing *[contingency options] the resource acquisition strategy.* These considerations shall include, but are not necessarily limited to, mitigation of/—/:

1. Risks associated with critical uncertain factors that will affect the actual costs associated with alternative resource plans;

2. Risks associated with new or more stringent *[environmental laws or regulations] legal mandates* that may be imposed at some point within the planning horizon; and

3. Rate increases associated with alternative resource plans.

AUTHORITY: sections 386.040, 386.250, *[RSMo Supp. 1991] 386.610, and 393.140, RSMo [1986] 2000*. Original rule filed June 12, 1992, effective May 6, 1993. Amended: Filed Oct. 25, 2010.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Steven C. Reed, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before January 3, 2011, and should include a reference to Commission File No. EX-2010-0254. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/case-filing-information>. A public hearing regarding this proposed amendment is scheduled for January 6, 2011, at 9:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

Editor's Note: The Dissent of Commissioner Jeff Davis to the Proposed Rulemakings Revising the Commission's Chapter 22 Electric Utility Resource Planning Rules follows 4 CSR 240-22.080 on page 1776 of this issue of the Missouri Register.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 22—Electric Utility Resource Planning

PROPOSED AMENDMENT

4 CSR 240-22.020 Definitions. The commission is adding new sections (5), (11)–(14), (23), (27), (36), (42), (43), (46)–(48), and (52)–(54), deleting sections (4), (10), (12), (24), (25), (30), (31), (35), (36), (45), (50), (52), and (59), amending newly numbered sections (1), (2), (6), (7), (8), (10), (15), (16), (19), (20), (21), (24), (25), (26), (31), (33), (37), (39), (44), (45), (49), (51), (55), (57), (58), (59), (61), and renumbering the remaining sections.

PURPOSE: *This proposed amendment reflects the definitions necessary for the proposed revisions to rules 4 CSR 240-22.030 through 4 CSR 240-22.080.*

(1) *[Avoided cost means the cost savings obtained by substituting demand-side resources for existing and new supply resources. 4 CSR 240-22.050(2) requires the utility to develop the following measures of avoided cost:*

(A) Avoided utility costs developed pursuant to 4 CSR 240-22.050(2)(D), which include energy cost savings plus demand cost savings associated with generation, transmission and distribution facilities; and

(B) Avoided probable environmental costs developed pursuant to 4 CSR 240-22.050(2)(D) and 4 CSR 240-22.040(2)(B).] Annual update filing means the annual update report prepared by the utility in advance of the annual update workshop and the summary report prepared by the utility following the workshop as referenced in 4 CSR 240-22.080(3).

(2) *[Candidate resource options are demand-side programs that pass the screening test required by 4 CSR 240-22.050(7), or supply-side resources that are not rejected on the basis of the screening analysis required by 4 CSR 240-22.040(2).] Candidate resource options are the potential demand-side resource options pursuant to 4 CSR 240-22.050(6) and the potential supply-side resource options pursuant to 4 CSR 240-22.040(4) that advance to be included in one (1) or more alternative resource plans.*

[(4) Chance node is a decision-tree fork consisting of two (2) or more branches that represent the range and number of relevant potential outcomes for an uncertain factor.]

[(5)](4) Coincident demand means the hourly demand of a component of system load at the hour of system peak demand within a specified interval of time.

(5) **Concern** means anything that, while not rising to the level of a deficiency, may prevent the electric utility's resource acquisition strategy from effectively fulfilling the objectives of chapter 22.

(6) **Contingency [option] resource plan** means an alternative [choice, decision or course of action] resource plan designed to enhance the utility's ability to respond quickly and appropriately to events or circumstances that would render the preferred resource plan obsolete.

(7) *[Decision node is a decision-tree fork consisting of two (2) or more branches that represent the set of decision alternatives being considered by utility planners at that stage of the resource planning process.] Critical uncertain factor is any uncertain factor that is likely to materially affect the outcome of the resource planning decision.*

(8) *[Decision tree is a diagram that specifies the order in which key resource decisions must be made, enumerates the set of decision alternatives to be considered at each stage, identifies the critical uncertain factors that affect the outcome of each decision and shows how the potential range of values for uncertain factors interact with each decision option to affect the expected cost of providing an adequate level and quality of energy services.] Deficiency means anything that would cause the electric utility's resource acquisition strategy to fail to meet the requirements identified in chapter 22.*

[(10) Demand-side measure is synonymous with end-use measure.]

[(11)](10) Demand-side [resource (or) program/] means an organized process for packaging and delivering to a particular market segment a portfolio of end-use measures that is broad enough to include at least some measures that are appropriate for most members of the target market segment.

[(12) Driver variable means an external economic or demographic factor that significantly affects some component of utility loads.]

(11) **Demand-side rate** means a rate structure for retail electric service designed to reduce the net consumption or modify the time of consumption of a customer rate class.

(12) **Demand-side resource** is a demand-side program or a demand-side rate conducted by the utility to modify the net consumption of electricity on the retail customer's side of the meter. A load-building program or rate is not a demand-side resource.

(13) **Describe and document** refers to the demonstration of compliance with each provision of this chapter. **Describe** means the provision of information in the technical volume(s) of the triennial compliance filing, in sufficient detail to inform the stakeholders how the utility complied with each applicable requirement of chapter 22, why that approach was chosen, and the results of its approach. The description in the technical volume(s), including narrative text, graphs, tables, and other pertinent information, shall be written in a manner that would allow a stakeholder to thoroughly assess the utility's resource acquisition strategy and each of its components. **Document** means the provision of all of the supporting information relating to the filed resource acquisition strategy pursuant to 4 CSR 240-22.080(11).

(14) **Distributed generation** means a grid-connected electric generation system that is sized based on local load requirements and distributed primarily to the local load.

[(13)](15) Electric utility or utility means any electrical corporation as defined in section 386.020, RSMo, which is subject to the jurisdiction of the commission.

[(14)](16) End-use energy service or energy service means the specific need that is served by the final use of energy, such as lighting, cooking, space heating, air conditioning, refrigeration, water heating, or motive power.

[(15)](17) End-use measure means an energy-efficiency measure or an energy-management measure.

[(16)](18) Energy means the total amount of electric power that is generated or used over a specified interval of time measured in kilowatt-hours (kWh).

[(17)](19) Energy-efficiency measure means any device, technology, *[rate structure]* or operating procedure that makes it possible to deliver an adequate level and quality of end-use energy service while using less energy than would otherwise be required.

[(18)](20) Energy-management measure means any device, technology, *[rate structure]* or operating procedure that makes it possible to alter the time pattern of electricity usage so as to require less generating capacity or to allow the electric power to be supplied from more fuel-efficient generating units. **Energy-management measures are sometimes referred to as demand-response measures.**

[(19)](21) Expected cost of an alternative resource plan is the statistical expectation of the cost of implementing that plan, contingent upon the uncertain factors and associated *[subjective]* probabilities *[represented by chance nodes in the decision tree. 4 CSR 240-22.060 requires the]*. The utility *[to]* shall consider probable environmental costs as well as direct utility costs in its assessment of alternative resource plans.

[(20)](22) Expected unserved hours means the statistical expectation of the number of hours per year that a utility will be unable to supply its native load without importing emergency power.

[(21)] *Fixed cost margin means the portion of electric energy and demand rates that is designed to recover all nonvariable costs.*

(23) Historical period shall be the ten (10) most recent years or the period of time used as the basis of the utility's forecast, whichever is longer.

[(22)](24) Implementation period means the time interval between the **triennial compliance** filings required of each utility pursuant to 4 CSR 240-22.080.

[(23)](25) Implementation plan means descriptions and schedules for the major tasks necessary to implement the preferred resource plan over the implementation period.

[(24)] *Inefficient energy-related choice means any decision that causes the life-cycle cost of delivering an adequate level and quality of end-use energy service to be higher than it would be for an available alternative choice.*

[(25)] *Inefficient price means a price that is not equal to the long-run marginal cost of providing a good or service.*

(26) Information means any fact, relationship, insight, estimate, or expert judgment that narrows the range of uncertainty surrounding key decision variables or has the potential to substantially influence or alter resource-planning decisions.

(27) Legal mandates include applicable state and federal executive orders, legislation, court decisions, and applicable state and federal administrative agency orders, rules, and regulations affecting electric utility loads, resources, or resource plans.

[(27)](28) Levelized cost means the dollar amount of a fixed annual payment for which a stream of those payments over a specified period of time is equal to a specified present value based on a specified

rate of interest.

[(28)](29) Life-cycle cost means the present worth of costs over the lifetime of any device or means for delivering end-use energy service.

[(29)](30) Load-building program means an organized promotional effort by the utility to persuade energy-related decision-makers to choose electricity instead of other forms of energy for the provision of energy service or to persuade existing customers to increase their use of electricity, either by substituting electricity for other forms of energy or by increasing the level or variety of energy services used. This term is not intended to include the provision of technical or engineering assistance, information about filed rates and tariffs, or other forms of routine customer service.

[(30)] *Load duration curve is a plot of ranked hourly demand versus the number of hours in which demand was greater than or equal to that value over a specified interval of time.*

[(31)] *Load factor means the average demand over a specified interval of time divided by the maximum demand in the interval.*

[(32)](31) Load impact means the change in energy usage and the change in diversified demand during a specified interval of time due to the implementation of a demand-side *[measure or program]* resource.

[(33)](32) Load profile means a plot of hourly demand versus chronological hour of the day from the hour ending 1:00 a.m. to the hour ending 12:00 midnight.

[(34)](33) Load-research data means **major class level** average hourly demands (kWhs per hour) derived from the metered instantaneous demand for each customer in the load-research sample.

[(35)] *Load-research estimates, or class hourly loads, or class load estimates means the statistical expectation of the average hourly demands for each major class derived from the load-research data for that class.*

[(36)] *Load-research sample means a subset of utility customers from each major class whose demands are metered to provide statistical estimates of class hourly loads to a specified level of accuracy.*

[(37)](34) Long run means an analytical framework within which all factors of production are variable.

[(38)](35) Lost *[margin or lost]* revenues means the reduction between rate cases in billed demand (kW) and energy (kWh) due to installed demand-side measures, multiplied by the fixed-cost margin of the appropriate rate component.

(36) Major class is a cost-of-service class of the utility.

[(39)](37) Market imperfection means any factor or situation that contributes to inefficient energy-related choices by decision-makers, including at least/—/:

(A) Inadequate information about costs, performance, and benefits of end-use measures;

(B) Inadequate marketing infrastructure or delivery channels for end-use measures;

(C) Inadequate financing options for end-use measures;

(D) Mismatched economic incentives resulting from situations where the person who pays the initial cost of an efficiency investment is different from the person who pays the operating costs associated

with the chosen efficiency level;

(E) Ineffective economic incentives when decision-makers give low priority to energy-related choices because they have a short-term ownership perspective or because energy costs are a relatively small share of the total cost structure (for businesses) or of the total budget (for households); or

(F) Inefficient pricing of energy supplies.

[(40)](38) Market segment means any subgroup of utility customers (or other energy-related decision-makers) which has some or all of the following characteristics in common: they have a similar mix of end-use energy service needs, they are subject to a similar array of market imperfections that tend to inhibit efficient energy-related choices, they have similar values and priorities concerning energy-related choices, or the utility has access to them through similar channels or modes of communication.

[(41)](39) Nominal dollars means future or then-current dollar values that are not adjusted to remove the effects of anticipated inflation.

[(42)](40) Participant means an energy-related decision-maker who implements one (1) or more end-use measures as a direct result of a demand-side program.

[(43)](41) Planning horizon means a future time period of at least twenty (20) years' duration over which the costs and benefits of alternative resource plans are evaluated.

(42) Plot means a graphical representation to present data. Each plot shall be labeled as a stand-alone figure, whose axes shall be labeled with units. The data presented in each plot also shall be provided in tabular form in the technical volumes and in workpapers. Data tables will be labeled, including the identification of the corresponding plot. The plots and data tables shall be numbered, referenced, and explained in the text of the technical volumes and in workpapers.

(43) Potential resource options are all of the resources in the comprehensive set of demand-side resources that shall be considered pursuant to 4 CSR 240-22.050(1) and in the comprehensive set of supply-side resources that shall be considered pursuant to 4 CSR 240-22.040(1).

(44) Preferred resource plan means the resource plan that is contained in the resource acquisition strategy that has most recently been adopted by the utility decision-maker(s) for implementation by the electric utility.

[(45)] Probable environmental benefits test is a test of the cost-effectiveness of end-use measures that uses the sum of avoided utility costs and avoided probable environmental costs to quantify the savings obtained by substituting the end-use measure for supply resources.]

[(46)](45) Probable environmental cost means the expected cost to the utility of complying with new or additional environmental [laws, regulations] legal mandates, taxes, or other requirements that, in the judgment of the utility decision-makers [judge], may be imposed at some point within the planning horizon which would result in compliance costs that could have a significant impact on utility rates.

(46) Public counsel means the public counsel of the state of Missouri or their designated representative.

(47) Realistic achievable potential of a demand-side candidate resource option or portfolio is an estimate of the load impact that

would occur if that resource option or portfolio were implemented in amounts consistent with the most aggressive cost-effective implementation of the resource option or portfolio considered by the utility.

(48) Renewable energy means electricity generated from a source that is classified as a renewable energy source under a state or federal renewable energy standard to which the utility is subject.

[(47)](49) Resource acquisition strategy means a preferred resource plan, an implementation plan [and], a set of contingency [options for responding to] resource plans, and the events or circumstances that would [render the preferred plan obsolete.] result in the utility moving to each contingency resource plan. It includes the type, estimated size, and timing of resources that the utility plans to achieve in its preferred resource plan.

[(48)](50) Resource plan means a particular combination of demand-side and supply-side resources to be acquired according to a specified schedule over the planning horizon.

[(49)](51) Resource planning means the process by which an electric utility evaluates and chooses the appropriate mix and schedule of supply-side [and], demand-side, and distribution and transmission resource additions and retirements to provide the public with an adequate level, quality, and variety of end-use energy services.

[(50)] Screening test or cost-effectiveness test means the probable environmental benefits test for demand-side measures and the total resource cost test for demand-side programs.]

(52) RTO means Regional Transmission Organization.

(53) Special contemporary issues means a written list of issues prepared by commission staff with input from public counsel and intervenors that are evolving new issues, which may not otherwise have been addressed by the utility or continuations of unresolved issues from the preceding triennial compliance filing or annual update filing. Each utility shall evaluate and incorporate special contemporary issues in its next triennial compliance filing or annual update filing.

(54) Stakeholder group means—

(A) Staff, public counsel, and any person or entity granted intervention in a prior chapter 22 proceeding of the electric utility. Such persons or entities shall be a party to any subsequent related chapter 22 proceeding of the electric utility without the necessity of applying to the commission for intervention; and

(B) Any person or entity granted intervention in a current chapter 22 proceeding of the electric utility.

[(51)](55) Subjective probability means the judgmental likelihood that the outcome [represented by each branch of a chance node] will actually occur. [The sum of the probabilities associated with the branches of a single chance node must equal one (1). This means that the specified set of potential outcomes must be exhaustive and mutually exclusive.]

[(52)] Sulfur dioxide emission allowance is an authorization to emit, during or after a specified calendar year, one (1) ton of sulfur dioxide, as defined in Title IV of the Clean Air Act Amendments of 1990, 42 USC 7651a(3).]

[(53)](56) Supply-side resource or supply resource means any device or method by which the electric utility can provide to its customers an adequate level and quality of electric power supply.

[(54)](57) Technical potential of a **demand-side candidate resource option or portfolio** is an *[end-use measure is an]* estimate of the load impact that would occur if that *[measure]* **resource option or portfolio** were *[installed]* **implemented** at every location in the utility's service territory where the *[measure]* **resource option or portfolio** is technically feasible but has not yet been *[installed]* **implemented**.

[(55)](58) Total resource cost test is a test of the cost-effectiveness of demand-side programs **or demand-side rates** that compares the sum of avoided utility costs plus avoided probable environmental costs to the sum of all incremental costs *[of]* **related to the end-use measures that are implemented due to the program or related to the rates** (including both utility and participant contributions), plus utility costs to administer, deliver, and evaluate each demand-side program **or demand-side rate** to quantify the net savings obtained by substituting the demand-side program **or demand-side rate** for supply-side resources.

[(56)](59) Uncertain factor means any event, circumstance, situation, relationship, causal linkage, price, cost, value, response, or other relevant quantity which can materially affect the outcome of resource planning decisions, about which utility planners and decision-makers have incomplete or inadequate information at the time a decision must be made.

[(57)](60) Utility costs are the costs of operating the utility system and developing and implementing a resource plan that are incurred and paid by the utility. On an annual basis, utility cost is synonymous with utility revenue requirement.

[(58)](61) The utility cost test is a test of the cost-effectiveness of demand-side programs **or demand-side rates** that compares the avoided utility costs to the sum of all utility incentive payments, plus utility costs to administer, deliver, and evaluate each demand-side program **or demand-side rate** to quantify the net savings obtained by substituting the demand-side program **or demand-side rate** for supply-side resources.

[(59)] *The utility benefits test is a test of the cost-effectiveness of end-use measures that uses avoided utility costs to quantify the savings obtained by substituting the end-use measure for supply resources.]*

[(60)](62) Utility discount rate means the post-tax rate of return on net investment used to calculate the utility's annual revenue requirements.

[(61)](63) Weather measure means a function of daily temperature data that reflects the observed relationship between electric load and temperature.

AUTHORITY: sections 386.040, 386.250, [RSMo Supp. 1991] 386.610, and 393.140, RSMo [1986] 2000. Original rule filed June 12, 1992, effective May 6, 1993. Amended: Filed Oct. 25, 2010.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Steven C. Reed, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be*

received at the commission's offices on or before January 3, 2011, and should include a reference to Commission File No. EX-2010-0254. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/case-filing-information>. A public hearing regarding this proposed amendment is scheduled for January 6, 2011, at 9:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment and may be asked to respond to commission questions.

SPECIAL NEEDS: *Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.*

Editor's Note: *The Dissent of Commissioner Jeff Davis to the Proposed Rulemakings Revising the Commission's Chapter 22 Electric Utility Resource Planning Rules follows 4 CSR 240-22.080 on page 1776 of this issue of the Missouri Register.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 22—Electric Utility Resource Planning

PROPOSED AMENDMENT

4 CSR 240-22.030 Load Analysis and Load Forecasting. The commission is amending the title, adding new sections (1), (5), (6), and (8), deleting sections (4), (6), and (7), and amending and renumbering the remaining sections.

PURPOSE: *This proposed amendment allows the electric utilities more discretion in choosing their load forecasting methodology specifications while retaining the criteria needed for an accurate forecast. It also sets out what data needs to be consistent between the utility's load forecast and the utility's demand-side resource analysis.*

PURPOSE: *This rule sets minimum standards for the maintenance and updating of historical data, the level of detail required in analyzing [and forecasting] loads, and the purposes to be accomplished by load analysis and by load forecast models. The load analysis discussed in this rule is intended to support both demand-side management efforts of 4 CSR 240-22.050 and the load forecast models of this rule. This rule also sets the minimum standards for the documentation of the inputs, components, and methods used to derive the load forecasts.*

(1) Selecting Load Analysis Methods. The utility may choose multiple methods of load analysis if it deems doing so is necessary to achieve all of the purposes of load analysis and if the methods are consistent with, and calibrated to, one another. The utility shall describe and document its intended purposes for load analysis methods, why the selected load analysis methods best fulfill those purposes, and how the load analysis methods are consistent with one another and with the end-use consumption data used in the demand-side analysis as described in 4 CSR 240-22.050. At a minimum, the load analysis methods shall be selected to achieve the following purposes:

(A) To identify end-use measures that may be potential demand-side resources, generally, those end-use measures with an opportunity for energy and/or demand savings;

(B) To derive a data set of historical values from load research

that can be used as dependent and independent variables in the load forecasts;

(C) To facilitate the analysis of impacts of implemented demand-side programs and demand-side rates on the load forecasts and to augment measurement of the effectiveness of demand-side resources necessary for 4 CSR 240-22.070(8) in the evaluation of the performance of the demand-side programs or rates after they are implemented; and

(D) To preserve, in a historical database, the results of the load analysis used to perform the demand-side analysis as described in 4 CSR 240-22.050, and the load forecasting described in 4 CSR 240-22.030.

[(1)](2) Historical Data/ Base for Load Analysis. The utility shall develop and maintain data on the actual historical patterns of energy usage within its service territory. The following information shall be maintained and updated on an ongoing basis and described and documented in the triennial compliance filings:

(A) Customer Class Detail. *[The] At a minimum, the historical data/ base shall be maintained for each of the [following] major classes: residential, commercial, industrial, interruptible and other classes that may be required for forecasting (for example, large power, wholesale, outdoor lighting and public authorities).*

1. Taking into account the requirement for an unbiased forecast as well as the cost of developing data at the subclass level, the utility shall determine what level of subclass detail is required for forecasting and what methods to use in gathering subclass information for each major class.

2. The utility shall consider the following categories of subclasses: for residential, dwelling type; for commercial, building or business type; and for industrial, product type. If the utility uses subclasses which do not fit into these categories, it must explain the reasons for its choice of subclasses;

(B) Load Data Detail. The historical load data/ base shall contain the following data:

1. For each jurisdiction *[under which the utility has rates established and]* for which it prepares customer and energy and demand forecasts, for each major class, *[and]* to the *[extent data is required to support the detail specified in paragraph (1)](A)1., for each subclass,* actual monthly energy usage and number of customers and weather-normalized monthly energy usage;

2. For each jurisdiction and major class, estimated actual and weather-normalized demands at the time of monthly system peaks; and

3. For the system, actual and weather-normalized hourly net system load;

(C) Load Component Detail. The historical data/ base for major class monthly energy usage and demands at time of monthly peaks shall be disaggregated into a number-of-units component and a *[use kilowatt-hour (kWh) per unit]* use-per-unit component, for both actual and weather-normalized loads.

1. *[Typical units for the major classes are—residential, number of customers; commercial, square feet of floor space or commercial employment level; and industrial, production output or employment level. If the utility uses a different unit measure, it must explain the reason for choosing different units.]* The number-of-units component shall be the number of customers, square feet, devices, or other units as appropriate to the customer class and the load analysis method selected by the utility. The utility shall select the units component with the intent of providing meaningful load analysis for demand-side analysis and maintaining the integrity of the database over time.

2. The utility shall develop and implement a procedure to routinely measure and regularly update estimates of the effect of departures from normal weather on class and system electric loads.

*[A.]*The estimates of the effect of weather on historical major class and system loads shall incorporate the nonlinear response of loads to daily weather and seasonal variations in loads.

[B. For at least the base year of the forecast, the utility shall estimate the cooling, heating and nonweather-sensitive components of the weather-normalized major class loads.]

*[C.]*3. The utility shall describe and document the methods used to develop weather measures and the methods used to estimate the effect of weather on electric loads. If statistical models are used, the documentation shall include at least: the functional form of the models; the estimation techniques employed; *[the data used to estimate the models, including the development of model input data from basic data;]* and the relevant statistical results of the models, including parameter estimates and tests of statistical significance; *and].* The data used to estimate the models, including the development of model input data from basic data, shall be included in the workpapers supplied at the time the compliance report is filed;

[(D) Length of Data Base. Once the utility has developed the historical data base, it shall retain that data base for the ten (10) most recent years or for the period of time used as the basis of the utility's forecast, whichever is longer.

1. The development of actual and weather-normalized monthly class and system energy usage and actual hourly net system loads shall start from January 1982 or for the period of time used as the basis of the utility's forecast of these loads, whichever is longer.

2. Estimated actual and weather-normalized class and system monthly demands at the time of the system peak and weather-normalized hourly system loads shall start from January 1990 or for the period of time used as the basis of the utility's forecast of these loads, whichever is longer.] (D) For each major class specified pursuant to subsection (2)(A), the utility shall provide, on a seasonal and annual basis for each year of the historical period—

1. Its assessment of the historical end-use drivers of energy usage and peak demand, including trends in numbers of units and energy consumption per unit;

2. Its assessment of the weather sensitivity of energy and peak demand; and

3. Plots illustrating trends materially affecting electricity consumption over the historical period;

(E) The utility shall describe and document any adjustments that it made to historical data prior to using it in its development or interpretation of the forecasting models; and

(F) Length of Historical Database. The utility shall develop and retain the historical database over the historical period.

[(2)](3) Analysis of Number of Units. For each major class *[or subclass]*, the utility shall *[analyze]* describe and document its analysis of the historical relationship between the number of units and the economic and/or demographic factors *[driver]* explanatory variables) that affect the number of units for that major class *[or subclass. These].* The analysis may incorporate or substitute the results of secondary analyses, with the proviso that the utility analyze and verify the applicability of those results to its service territory. If the utility develops primary analyses, or to the extent they are available from secondary analyses, these relationships shall be specified as statistical or mathematical models that relate the number of units to the *[driver]* explanatory variables.

(A) Choice of *[Driver]* Explanatory Variables. The utility shall identify appropriate *[driver]* explanatory variables as predictors of the number of units for each major class *[or subclass]*. The critical assumptions that influence the *[driver]* explanatory variables shall also be identified and documented.

(B) Documentation of statistical models shall include the elements specified in *[subparagraph (1)](C)2.C.]* subsection (2)(C) of this

rule. Documentation of mathematical models shall include a specification of the functional form of the equations **if the utility develops primary analyses, or to the extent they are available if the utility incorporates secondary analyses.**

[(C) Where the utility has modeled the relationship between the number of units and the driver variables for a major class, but not for subclasses within that major class, it shall consider how a change in the subclass shares of major class units could affect the major class forecast.]

[(3)](4) Analysis of Use Per Unit. For each major class, the utility shall [analyze] describe and document its analysis of historical use per unit by end use.

(A) End-Use Load Detail. For each major class, use per unit shall be disaggregated *[by end use]*, where information permits~~[(~~.

1. Where applicable for each major class], by end-uses that contribute significantly to energy use [information shall be developed for at least lighting, process equipment, space cooling, space heating, water heating and refrigeration.] or peak demand.

1. The utility shall consider developing information on at least the following end-use loads:

A. For the residential sector: lighting, space cooling, space heating, ventilation, water heating, refrigerators, freezers, cooking, clothes washers, clothes dryers, television, personal computers, furnace fans, plug loads, and other uses;

B. For the commercial sector: space heat, space cooling, ventilation, water heat, refrigeration, lighting, office equipment, cooking equipment, and other uses; and

C. For the industrial sector: machine drives, space heat, space cooling, ventilation, lighting, process heating, and other uses.

2. The utility may modify the end-use loads specified in paragraph (4)(A)1.

A. The utility may remove or consolidate the specified end-use loads if it determines that a specified end-use load is not contributing, and is not likely to contribute in the future, significantly to energy use or peak demand in a major class.

B. The utility shall add to the specified end-use loads if it determines that an end-use load currently not specified is likely to contribute significantly to energy use or peak demand in a major class.

C. The utility shall provide documentation of its decision to modify the specified end-use loads for which information is developed, as well as an assessment of how the modifications can be made to best preserve the continuity and integrity of the end-use load database.

[2.]3. For each major class and each end-use load, including those listed in paragraph [(3)](4)(A)1., if information is not available, the utility shall provide a schedule for acquiring this end-use load information or demonstrate that either the expected costs of acquisition were found to outweigh the expected benefits over the planning horizon or that gathering the end-use load information has proven to be infeasible.

[3. If the utility has not yet acquired end-use information on space cooling or space heating for a major class, the]

4. The utility shall determine the effect that weather has on the total load of [that] each major class by disaggregating the load into its cooling, heating, and non-weather-sensitive components. If the cooling or heating components are a significant portion of the total load of the major class, then the cooling or heating components of that load shall be designated as end uses for that major class.

[4. The difference between the total load of a major class and all end uses for which the utility has acquired end-use information shall be designated as an end use for that major class.]

(B) The database and historical analysis required for each end use shall be developed from a utility-specific survey or other prima-

ry data. The database and analysis may incorporate or substitute the results of secondary data, with the proviso that the utility analyze and verify the applicability of those results to its service territory. The database and historical analysis required for each end use shall include at least the following:

1. Measures of the stock of energy-using capital goods. For each major class and end-use load identified in subsection (4)(A), the utility shall implement a procedure to develop and maintain *[survey]* adequate data on the energy-related characteristics of the building, appliance, and equipment stock including saturation levels, efficiency levels, and sizes, where applicable. The utility shall update *[these surveys]* the data before each *[scheduled]* triennial compliance filing *[pursuant to 4 CSR 240-22.080]*; and

2. Estimates of end-use energy and demand. For *[each]* the end-use loads identified in subsection (4)(A), the utility shall estimate *[end-use]* monthly energies and demands at the time of monthly system peaks and shall calibrate these energies and demands to equal the weather-normalized monthly energies and demands at the time of monthly peaks for each major class for the most recently available data.

[(4) Analysis of Load Profiles. The utility shall develop a consistent set of daily load profiles for the most recent year for which data is available. For each month, load profiles shall be developed for a peak weekday, a representative of at least one (1) weekday and a representative of at least one (1) weekend day.

(A) Load profiles for each day type shall be developed for each end use, for each major class and for the net system load.

(B) For each day type, the estimated end-use load profiles shall be calibrated to sum to the estimated major class load profiles and the estimated major class load profiles shall be calibrated to sum to the net system load profiles.]

(5) Selecting Load Forecasting Models. The utility shall select load forecast models and develop the historical database needed to support the selected models. The selected load forecast models will include a method of end-use load analysis for at least the residential and small commercial classes, unless the utility demonstrates that end-use load methods are not practicable and provides documentation that other methods are at a minimum comparable to end-use methods. The utility may choose multiple models and methods if it deems doing so is necessary to achieve all of the purposes of load forecasting and if the methods and models are consistent with, and calibrated to, one another. The utility shall describe and document its intended purposes for load forecast models, why the selected load forecast models best fulfill those purposes, and how the load forecast models are consistent with one another and with the end-use usage data used in the demand-side analysis as described in 4 CSR 240-22.050. As a minimum, the load forecast models shall be selected to achieve the following purposes:

(A) Assessment of consumption drivers and customer usage patterns—to better understand customer preferences and their impacts on future energy and demand requirements, including weather sensitivity of load;

(B) Long-term load forecasts—to serve as a basis for planning capacity and energy service needs. This can be served by any forecasting method or methods that produce reasonable projections (based on comparing model projections of loads to actual loads) of future demand and energy loads;

(C) Policy analysis—to assess the impact of legal mandates, economic policies, and rate designs on future energy and demand requirements. The utility may use any load forecasting method or methods that it demonstrates can adequately analyze the impacts of legal mandates, economic policies, and rate designs.

(6) Load Forecasting Model Specifications.

(A) For each load forecasting model selected by the utility pursuant to section 4 CSR 240-22.030(5), the utility shall describe and document its—

1. Determination of appropriate independent variables as predictors of energy and peak demand for each major class. The critical assumptions that influence the independent variables shall also be identified.

A. The utility shall assess the applicability of the historical explanatory variables pursuant to subsection (3)(A) to its selected forecast model.

B. To the extent that the independent variables selected by the utility differ from the historical explanatory variables, the utility shall describe and document those differences;

2. Development of any mathematical or statistical equations comprising the load forecast models, including a specification of the functional form of the equations; and

3. Assessment of the applicability of any load forecast models or portions of models that were utilized by the utility but developed by others, including a specification of the functional forms of any equations or models, to the extent they are available.

(B) If the utility selects load forecast models that include end-use load methods, the utility shall describe and document any deviations in the independent variables or functional forms of the equations from those derived from load analysis in sections (3) and (4).

(C) **Historical Database for Load Forecasting.** In addition to the load analysis database, the utility shall develop and maintain a database consistent with and as needed to run each forecast model utilized by the utility. The utility shall describe and document its load forecasting historical database in the triennial compliance filings. As a minimum, the utility shall—

1. Develop and maintain a data set of historical values for each independent variable of each forecast model. The historical values for each independent variable shall be collected for a period of ten (10) years, or such period deemed sufficient to allow the independent variables to be accurately forecasted over the entire planning horizon;

2. Explain any adjustments that it made to historical data prior to using it in its development of the forecasting models;

3. Archive previous projections of all independent variables used in the energy usage and peak load forecasts made in at least the past ten (10) years and provide a comparison of the historical projected values in prior plan filings to actual historical values and to projected values in the current compliance filing; and

4. Archive all previous forecasts of energy and peak demand, including the final data sets used to develop the forecasts, made in at least the past ten (10) years. Provide a comparison of the historical final forecasts to the actual historical energy and peak demands and to the current forecasts in the current triennial compliance filing.

[[5]](7) **Base-Case Load Forecast.** The utility's base-case load forecast shall be based on projections of the *[major economic and demographic driver]* independent variables that utility decision-makers believe to be most likely. All components of the base-case load forecast shall *[be based on the assumption of]* assume normal weather conditions. The load impacts of implemented demand-side programs and rates shall be incorporated in the base-case load forecast, but the load impacts of proposed demand-side programs and rates shall not be included in the base-case forecast.

(A) *[Customer] Major Class and Total Load Detail.* The utility shall produce forecasts of monthly energy usage and demands at the time of the summer and winter system peaks by major class for each year of the planning horizon. *Where the utility anticipates that jurisdictional levels of forecasts will be required to meet the requirements of a specific state, then the utility shall determine a procedure by which the major class forecasts can be*

separated by jurisdictional component.

(B) **Load Component Detail.** For each major class, the utility shall produce separate forecasts of the number of units and use per unit components based on the analysis described in sections (2) and (3) of this rule.

1. **Number of units forecast.** The utility's forecast of number of units for each major class shall be based on the analysis of the relationship between number of units and driver variables described in section (2). Where judgment has been applied to modify the results of a statistical or mathematical model, the utility shall specify the factors which caused the modification and shall explain how those factors were quantified.

A. The forecasts of the driver variables shall be specified and clearly documented. These forecasts shall be compared to historical trends and significant differences between the forecasts and long-term and recent trends shall be analyzed and explained.

B. The forecasts of the number of units for each major class shall be compared to historical trends. Significant differences between the forecasts and long-term and recent trends shall be analyzed and explained.

2. **Use per unit forecast.** The utility's forecast of monthly energy usage per unit and seasonal peak demands per unit for each major class shall be based on the analysis described in section (3).

A. The forecasts of the driver variables for the use per unit shall be specified, and shall describe and document those forecasts in its triennial compliance filings. Where applicable, these major class forecasts shall be separated into their jurisdictional components.

1. The utility shall describe and document how the *[forecast of use per unit has]* base-case forecasts of energy usage and demands have taken into account the effects of real prices of electricity, real prices of competitive energy sources, real incomes, and any other relevant economic and demographic factors. If the methodology does not incorporate economic and demographic factors, the utility shall explain how it accounted for the effects of these factors.

[B. End-use detail. For each major class and for each end use, the utility shall forecast both monthly energy use and demands at time of the summer and winter system peaks.]

2. The utility shall describe and document how the forecasts of energy usage and demands have taken into account the effects of legal mandates affecting the consumption of electricity.

[C. The stock of energy-using capital goods. For each end use for which the utility has developed measures of the stock of energy-using capital goods and where the utility has determined that forecasting the use of electricity associated with these energy-using capital goods is cost-effective and feasible, it shall forecast those measures and document the relationship between the forecasts of the measures to the forecasts of end-use energy and demands at time of the summer and winter system peaks. The values of the driver variables used to generate forecasts of the measures of the stock of energy-using capital goods shall be specified and clearly documented.]

D. The major class forecasted use per unit shall be compared to historical trends in weather-normalized use per unit. Significant differences between the forecasts and long-term and recent trends shall be analyzed and explained.

(C) **Net System Load Forecast.** The utility shall produce a forecast of net system load profiles for each year of the planning horizon. The net system load forecast shall be consistent with the utility's forecasts of monthly energy and demands at time of summer and winter system peaks for the major rate classes.]

(6) *Sensitivity Analysis.* The utility shall analyze the sensitivity of the components of the base-case forecast for each major class to variations in the key driver variables, including the real price of electricity, the real price of competing fuels and economic and demographic factors identified in section (2) and subparagraph (5)(B)2.A.]

[(7) *High-Case and Low-Case Load Forecasts.* Based on the sensitivity analysis described in section (6), the utility shall produce at least two (2) additional load forecasts (a high-growth case and a low-growth case) that bracket the base-case load forecast. Subjective probabilities shall be assigned to each of the load forecast cases. These forecasts and associated subjective probabilities shall be used as inputs to the strategic risk analysis required by 4 CSR 240-22.070.]

[(8) *Reporting Requirements.* To demonstrate compliance with the provisions of this rule, and pursuant to the requirements of 4 CSR 240-22.080, the utility shall prepare a report that contains at least the following information:]

3. The utility shall describe and document how the forecasts of energy usage and demands are consistent with trends in historical consumption patterns, end uses, and end-use efficiency in the utility's service area as identified pursuant to sections 4 CSR 240-22.030(2), (3), and (4).

4. For at least the base year of the forecast, the utility shall describe and document its estimates of the monthly cooling, heating, and non-weather-sensitive components of the weather-normalized major class loads.

5. Where judgment has been applied to modify the results of its energy and peak forecast models, the utility shall describe and document the factors which caused the modification and how those factors were quantified.

[(A) For each major class specified in subsection (1)(A), the utility shall provide plots of number of units, energy usage per unit and total class energy usage.

1. Plots shall be produced for the summer period (June through September), the remaining nonsummer months and the calendar year.

2. The plots shall cover the historical data base period and the forecast period of at least twenty (20) years.

A. The historical period shall include both actual and weather-normalized energy usage per unit and total class energy usage.

B. The plots for the forecast period shall show each end-use component of major class energy usage per unit and total class energy usage for the base-case forecast.

[(B) For each major class specified in subsection (1)(A), the utility shall provide plots of class demand per unit and class total demand at time of summer and winter system peak. The plots shall cover the historical data base period and the forecast period of at least twenty (20) years.

1. The plots for the historical period shall include both actual and weather-normalized class demands per unit and total demands at the time of summer and winter system peak demands.

2. The plots for the forecast period shall show each end-use component of major class coincident demands per unit and total class coincident demands for the base-case forecast.

[(C) For the forecast of class energy and peak demands, the utility shall provide a summary of the sensitivity analysis required by section (6) of this rule that shows how changes in the driver variables affect the forecast.

[(D) For the net system load, the utility shall provide plots of energy usage and peak demand.

1. The energy plots shall include the summer, nonsummer and total energy usage for each calendar year.

2. The peak demand plots shall include the summer and winter peak demands.]

[3.]6. For each major class specified pursuant to subsection (2)(A), the utility shall provide plots of class monthly energy and coincident peak demand at the time of summer and winter system peaks. The plots shall cover the historical database period and the forecast period of at least twenty (20) years. The plots of coincident peak demands for the historical period shall include both actual and weather-normalized [values] peak demands at the time of summer and winter system peaks. The plots of coincident peak demand for the forecast period shall [include] show the class coincident demands for the base-case[, low-case and high-case forecasts] forecast at the time of summer and winter system peaks.

[4. The utility shall describe how the subjective probabilities assigned to each forecast were determined.

(E) For each major class, the utility shall provide estimated load profile plots for the summer and winter system peak days.

1. The plots shall show each end-use component of the hourly load profile.

2. The plots shall be provided for the base year of the load forecast and for the fifth, tenth and twentieth years of the forecast.

[(F) For the net system load profiles, the utility shall provide plots for the summer peak day and the winter peak day.

1. The plots shall show each of the major class components of the net system load profile in a cumulative manner.

2. The plots shall be provided for the base year of the forecast and for the fifth, tenth and twentieth years of the forecast.

[(G) The data presented in all plots also shall be provided in tabular form.

[(H) The utility shall provide a description of the methods used to develop all forecasts required by this rule, including an annotated summary that shows how these methods comply with the specific provisions of this rule. If end-use methods have not been used in forecasting, an explanation as to why they have not been used shall be included. Also included shall be the utility's schedule to acquire end-use information and to develop end-use forecasting techniques or a discussion as to why the acquisition of end-use information and the development of end-use forecasting techniques are either impractical or not cost-effective.]

7. The utility shall provide plots of the net system load profiles for the summer peak day and the winter peak day showing the contribution of each major class. The plots shall be provided in the triennial filing for the base year of the forecast and for the fifth, tenth, and twentieth years of the forecast. Plots for all years shall be included in the workpapers supplied at the time of the triennial filing.

(B) *Forecasts of Independent Variables.* The forecasts of independent variables shall be specified, described, and documented.

1. Documentation of mathematical models developed by the utility to forecast the independent variables shall include the reasons the utility selected the models as well as specification of the functional form of the equations.

2. If the utility adopted forecasts of independent variables developed by another entity, documentation shall include the reasons the utility selected those forecasts, an analysis showing that the forecasts are applicable to the utility's service territory, and, if available, a specification of the functional form of the equations used to forecast the independent variables.

3. These forecasts of independent variables shall be compared to historical trends in the variables, and significant differences between the forecasts and long-term and recent trends shall be analyzed and explained.

4. Where judgment has been applied to modify the results of a statistical or mathematical model, the utility shall specify the

factors which caused the modification and shall explain how those factors were quantified.

(C) **Net System Load Forecast.** The utility shall produce a forecast of net system load profiles for each year of the planning horizon. The net system load forecast shall be consistent with the utility's forecasts of monthly energy and peak demands at time of summer and winter system peaks for each major class.

(8) **Load Forecast Sensitivity Analysis.** The utility shall describe and document its analysis of the sensitivity of the dependent variables of the base-case forecast for each major class to variations in the independent variables identified in subsection 4 CSR 240-22.030(6)(A).

(A) The utility shall produce at least two (2) additional normal weather load forecasts (a high-growth case and a low-growth case) that bracket the base-case load forecast. Subjective probabilities shall be assigned to each of the load forecast cases. These forecasts and associated subjective probabilities shall be used as inputs to the risk analysis required by 4 CSR 240-22.060.

(B) The utility shall estimate the sensitivity of system peak load forecasts to extreme weather conditions. This information shall be considered by utility decision-makers to assess the ability of alternative resource plans to serve load under extreme weather conditions when selecting the preferred resource plan pursuant to 4 CSR 240-22.070(1).

(C) The utility shall provide plots of energy usage and peak demand covering the historical database period and the forecast period of at least twenty (20) years.

1. The energy plots shall include the summer, non-summer, and total energy usage for each calendar year. The peak demand plots shall include the summer and winter peak demands.

2. The historical period shall include both actual and weather-normalized values. The forecast period shall include the base-case, low-case, and high-case forecasts.

AUTHORITY: sections 386.040, 386.250, [RSMo Supp. 1991] 386.610, and 393.140, RSMo [1986] 2000. Original rule filed June 12, 1992, effective May 6, 1993. Amended: Filed Oct. 25, 2010.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

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NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Steven C. Reed, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before January 3, 2011, and should include a reference to Commission File No. EX-2010-0254. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/case-filing-information>. A public hearing regarding this proposed amendment is scheduled for January 6, 2011, at 9:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment and may be asked to respond to commission questions.

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Editor's Note: The Dissent of Commissioner Jeff Davis to the Proposed Rulemakings Revising the Commission's Chapter 22 Electric Utility Resource Planning Rules follows 4 CSR 240-22.080 on page 1776 of this issue of the Missouri Register.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 22—Electric Utility Resource Planning

PROPOSED AMENDMENT

4 CSR 240-22.040 Supply-Side Resource Analysis. The commission is amending section (1), adding a new section (4), deleting sections (4), (6), (7), and (9), and amending and renumbering the remaining sections.

PURPOSE: This proposed amendment reduces the prescriptiveness of the current supply-side analysis rule while making transmission planning a more integral part of the supply-side analysis.

(1) The [analysis of] utility shall evaluate all existing supply-side resources [shall begin with the identification of] and identify a variety of potential supply-side resource options which the utility can reasonably expect to use, develop [and], implement [solely through its own resources or for which it will be a major participant], or acquire, and, for purposes of integrated resource planning, all such supply-side resources shall be considered as potential supply-side resource options. These potential supply-side resource options include full or partial ownership of new plants using existing generation technologies; full or partial ownership of new plants using new generation technologies, including technologies expected to become commercially available within the twenty (20)-year planning horizon; renewable energy resources on the utility-side of the meter, including a wide variety of renewable generation technologies; technologies for distributed generation; life extension and refurbishment at existing generating plants; enhancement of the emission controls at existing or new generating plants; purchased power from [utility sources, cogenerators or independent power producers;] bi-lateral transactions and from organized capacity and energy markets; generating plant efficiency improvements which reduce the utility's own use of energy; and upgrading of the transmission and distribution systems to reduce power and energy losses. The utility shall collect generic cost and performance information [for] sufficient to fairly analyze and compare each of these potential [resource options which shall include at least the following attributes where applicable:

(A) Fuel type and feasible variations in fuel type or quality;

(B) Practical size range;

(C) Maturity of the technology;

(D) Lead time for permitting, design, construction, testing and startup;

(E) Capital cost per kilowatt;

(F) Annual fixed operation and maintenance costs;

(G) Annual variable operation and maintenance costs;

(H) Scheduled routine maintenance outage requirements;

(I) Equivalent forced-outage rates or full- and partial-forced-outage rates;

(J) Operational characteristics and constraints of significance in the screening process;

(K) Environmental impacts, including at least the following:

1. Air emissions including at least the primary acid gases, greenhouse gases, ozone precursors, particulates and air toxics;

2. Waste generation including at least the primary forms of solid, liquid, radioactive and hazardous wastes;

3. Water impacts including direct usage and at least the primary pollutant discharges, thermal discharges and groundwater effects; and

4. Siting impacts and constraints of sufficient importance to affect the screening process; and

(L) Other characteristics that may make the technology particularly appropriate as a contingency option under extreme outcomes for the critical uncertain factors identified pursuant to 4 CSR 240-22.070(2).]

[(2) Each of the] supply-side resource options [referred to in section (1) shall be subjected to a preliminary screening analysis. The purpose of this step is to provide an initial ranking of these options based on their relative annualized utility costs as well as their], including at least those attributes needed to assess capital cost, fixed and variable operation and maintenance costs, probable environmental costs, and [to eliminate from further consideration those options that have significant disadvantages in terms of utility costs, environmental costs, operational efficiency, risk reduction or planning flexibility, as compared to other available supply-side resource options] operating characteristics.

(2) The utility shall describe and document its analysis of each potential supply-side resource option referred to in section (1). The utility may conduct a preliminary screening analysis to determine a short list of preliminary supply-side candidate resource options, or it may consider all of the potential supply-side resource options to be preliminary supply-side candidate resource options pursuant to subsection (2)(C). All costs shall be expressed in nominal dollars.

(A) Cost rankings of each potential supply-side resource option shall be based on estimates of the installed capital costs plus fixed and variable operation and maintenance costs levelized over the useful life of the [resource] potential supply-side resource option using the utility discount rate. [In lieu of levelized cost, the utility may use an economic carrying charge annualization in which the annual dollar amount increases each year at an assumed inflation rate and for which a stream of these amounts over the life of the resource yields the same present value.]

(B) The probable environmental costs of each potential supply-side resource option shall be quantified by estimating the cost to the utility to comply with additional environmental [laws or regulations] legal mandates that may be imposed at some point within the planning horizon.

[1.] The utility shall identify a list of environmental pollutants for which, in the judgment of the utility decision-makers, [additional laws or regulations] legal mandates may be imposed [at some point within] during the planning horizon which would result in compliance costs that could [have a significant] significantly impact [on] utility rates.

[2. For each pollutant identified pursuant to paragraph (2)(B)1., the utility shall specify at least two (2) levels of mitigation that are more stringent than existing requirements which are judged to have a nonzero probability of being imposed at some point within the planning horizon.]

[3. For each mitigation level identified pursuant to paragraph (2)(B)2., the] The utility shall specify a subjective probability that represents utility decision-maker's judgment of the likelihood that [additional laws or regulations] legal mandates requiring [that level] additional levels of mitigation will be imposed at some point within the planning horizon. The utility, based on these

probabilities, shall calculate an expected mitigation [level] cost for each identified pollutant.

[4. The probable environmental cost for a supply-side resource shall be estimated as the joint cost of simultaneously achieving the expected level of mitigation for all identified pollutants emitted by the resource. The estimated mitigation costs for an environmental pollutant may include or may be entirely comprised of a tax or surcharge imposed on emissions of that pollutant.]

(C) The utility shall [rank all supply-side resource options identified pursuant to section (1) in terms of both of the following cost estimates: utility costs and utility costs plus probable environmental costs.] indicate which potential supply-side resource options it considers to be preliminary supply-side candidate resource options. Any utility using the preliminary screening analysis to identify preliminary supply-side candidate resource options shall rank all preliminary supply-side candidate resource options based on estimates of the utility costs and also on utility costs plus probable environmental costs. The utility shall [indicate which supply-side options are considered to be candidate resource options for purposes of developing the alternative resource plans required by 4 CSR 240-22.060(3). The utility shall also indicate which options]—

1. Provide a summary table showing each potential supply-side resource option and the utility cost and the probable environmental cost for each potential supply-side resource option and an assessment of whether each potential supply-side resource option qualifies as a utility renewable energy resource; and

2. Explain which potential supply-side resource options are eliminated from further consideration [on the basis of the screening analysis] and [shall explain] the reasons for their elimination.

(3) [The analysis of supply-side resource options shall include a thorough analysis of existing and planned interconnected generation resources. The analysis can be performed by the individual utility or in the context of a joint planning study with other area utilities.] The utility shall describe and document its analysis of the interconnection and any other transmission requirements associated with the preliminary supply-side candidate resource options identified in subsection (2)(C).

(A) The analysis shall include the identification of transmission constraints, as estimated pursuant to 4 CSR 240-22.045(3), whether within the Regional Transmission Organization's (RTO's) footprint, on an interconnected RTO, or a transmission system that is not part of an RTO. The purpose of this analysis shall be to ensure that the transmission network is capable of reliably supporting the preliminary supply-side candidate resource options under consideration, that the costs of the transmission system investments associated with preliminary supply-side [resources] candidate resource options, as estimated pursuant to 4 CSR 240-22.045(3), are properly considered and to provide an adequate foundation of basic information for decisions about the following [types of supply-side resource alternatives]:

[(A)]1. Joint ownership or participation in generation construction projects;

[(B)]2. Construction of wholly-owned generation [or transmission] facilities; [and]

[(C)]3. Participation in major refurbishment, life extension, upgrading, or retrofitting of existing generation [or transmission resources.] facilities;

[(4) The utility shall identify and analyze opportunities for life extension and refurbishment of existing generation plants, taking into account their current condition to the extent that it is significant in the planning process.]

4. Improvements on its transmission and distribution system to increase efficiency and reduce power losses;

[(5) The utility shall identify and evaluate potential opportunities.]

5. Acquisition of existing generating facilities; and

6. Opportunities for new long-term power purchases and sales, and short-term power purchases that may be required for bridging the gap between other supply options, both firm and nonfirm, that are likely to be available over all or part of the planning horizon. [This evaluation shall be based on an analysis of at least the following attributes of each potential transaction:

(A) *Type or nature of the purchase or sale (for example, firm capacity, summer only);*

(B) *Amount of power to be exchanged;*

(C) *Estimated contract price;*

(D) *Timing and duration of the transaction;*

(E) *Terms and conditions of the transaction, if available;*

(F) *Required improvements to the utility's generating system, transmission system, or both, and the associated costs; and*

(G) *Constraints on the utility system caused by wheeling arrangements, whether on the utility's own system, or on an interconnected system, or by the terms and conditions of other contracts or interconnection agreements.*

(6) *For the utility's preferred resource plan selected pursuant to 4 CSR 240-22.070(7), the utility shall determine if additional future transmission facilities will be required to remedy any new generation-related transmission system inadequacies over the planning horizon. If any such facilities are determined to be required and, in the judgment of utility decision-makers, there is a risk of significant delays or cost increases due to problems in the siting or permitting of any required transmission facilities, this risk shall be analyzed pursuant to the requirements of 4 CSR 240-22.070(2).*

(7) *The utility shall assess the age, condition and efficiency level of existing transmission and distribution facilities, and shall analyze the feasibility and cost-effectiveness of transmission and distribution system loss-reduction measures as a supply-side resource. This provision shall not be construed to require a detailed line-by-line analysis of the transmission and distribution system, but is intended to require the utility to identify and analyze opportunities for efficiency improvements in a manner that is consistent with the analysis of other supply-side resource options.]*

(B) *This analysis shall include the identification of any output limitations imposed on existing or new supply-side resources due to transmission and/or distribution system capacity constraints, in order to ensure that supply-side candidate resource options are evaluated in accordance with any such constraints.*

(4) *All preliminary supply-side candidate resource options which are not eliminated shall be identified as supply-side candidate resource options. The supply-side candidate resource options that the utility passes on for further evaluation in the integration process shall represent a wide variety of supply-side resource options with diverse fuel and generation technologies, including a wide range of renewable technologies and technologies suitable for distributed generation.*

(A) *The utility shall describe and document its process for identifying and analyzing potential supply-side resource options and preliminary supply-side candidate resource options and for choosing its supply-side candidate resource options to advance to the integration analysis.*

(B) *The utility shall indicate which, if any, of the preliminary supply-side candidate resource options identified in subsection (2)(C) are eliminated from further consideration on the basis of the interconnection and other transmission analysis and shall explain the reasons for their elimination.*

(C) *The utility shall include the cost of interconnection and any*

other transmission requirements, in addition to the utility cost and probable environmental cost, in the cost of supply-side candidate resource options advanced for purposes of developing the alternative resource plans required by 4 CSR 240-22.060(3).

[(8) Before developing alternative resource plans and performing the integrated resource analysis, the]

(5) The utility shall develop, and describe and document, ranges of values and probabilities for several important uncertain factors related to supply [resources. These values can also be used to refine or verify information developed pursuant to section (2) of this rule]-side candidate resource options identified in section (4). These cost estimates shall include at least the following elements [and shall be based on the indicated methods or sources of information], as applicable to the supply-side candidate resource option:

(A) *Fuel price forecasts, including fuel delivery costs, over the planning horizon for the appropriate type and grade of primary fuel and for any alternative fuel that may be practical as a contingency option[.*

1. Fuel price forecasts shall be obtained from a consulting firm with specific expertise in detailed fuel supply and price analysis or developed by the utility if it has expert knowledge and experience with the fuel under consideration. Each forecast shall consider at least the following factors as applicable to each fuel under consideration:

A. Present reserves, discovery rates and usage rates of the fuel and forecasts of future trends of these factors;

B. Profitability and financial condition of producers;

C. Potential effect of environmental factors, competition and government regulations on producers, including the potential for changes in severance taxes;

D. Capacity, profitability and expansion potential of present and potential fuel transportation options;

E. Potential effects of government regulations, competition and environmental legislation on fuel transporters;

F. In the case of uranium fuel, potential effects of competition and government regulations on future costs of enrichment services and cleanup of production facilities; and

G. Potential for governmental restrictions on the use of the fuel for electricity production.

2. The utility shall consider the accuracy of previous forecasts as an important criterion in selecting providers of fuel price forecasts.

3. The provider of each fuel price forecast shall be required to identify the critical uncertain factors that drive the price forecast and to provide a range of forecasts and an associated subjective probability distribution that reflects this uncertainty[;

(B) *Estimated capital costs including engineering design, construction, testing, startup, and certification of new facilities or major upgrades, refurbishment, or rehabilitation of existing facilities[.*

1. Capital cost estimates shall either be obtained from a qualified engineering firm actively engaged in the type of work required or developed by the utility if it has available other sources of expert engineering information applicable to the type of facility under consideration.

2. The provider of the estimate shall be required to identify the critical uncertain factors that may cause the capital cost estimates to change significantly and to provide a range of estimates and an associated subjective probability distribution that reflects this uncertainty[;

(C) *Estimated annual fixed and variable operation and maintenance costs over the planning horizon for new facilities or for existing facilities that are being upgraded, refurbished, or rehabilitated[.*

1. Fixed and variable operation and maintenance cost estimates shall be obtained from the same source that provides the capital cost estimates.

2. The critical uncertain factors that affect these cost estimates shall be identified and a range of estimates shall be provided, together with an associated subjective probability distribution that reflects this uncertainty];

(D) Forecasts of the annual cost or value of [sulfur dioxide] emission allowances to be used or produced by each generating facility over the planning horizon/.

1. Forecasts of the future value of emission allowances shall be obtained from a qualified consulting firm or other source with expert knowledge of the factors affecting allowance prices.

2. The provider of the forecast shall be required to identify the critical uncertain factors that may cause the value of allowances to change significantly and to provide a range of forecasts and an associated subjective probability distribution that reflects this uncertainty; and];

(E) Annual fixed charges for any facility to be included in the rate base, or annual payment schedule for leased or rented facilities[.]; and

[(9) Reporting Requirements. To demonstrate compliance with the provisions of this rule, and pursuant to the requirements of 4 CSR 240-22.080, the utility shall furnish at least the following information:

(A) A summary table showing each supply resource identified pursuant to section (1) and the results of the screening analysis, including:

1. The calculated values of the utility cost and the probable environmental cost for each resource option and the rankings based on these costs;

2. Identification of candidate resource options that may be included in alternative resource plans; and

3. An explanation of the reasons why each supply-side resource option rejected as a result of the screening analysis was not included as a candidate resource option;

(B) A list of the candidate resource options for which the forecasts, estimates and probability distributions described in section (8) have been developed or are scheduled to be developed by the utility's next scheduled compliance filing pursuant to 4 CSR 240-22.080;

(C) A summary of the results of the uncertainty analysis described in section (8) that has been completed for candidate resource options; and

(D) A summary of the mitigation cost estimates developed by the utility for the candidate resource options identified pursuant to subsection (2)(C). This summary shall include a description of how the alternative mitigation levels and associated subjective probabilities were determined and shall identify the source of the cost estimates for the expected mitigation level.]

(F) Estimated costs of interconnection or other transmission requirements associated with each supply-side candidate resource option.

AUTHORITY: sections 386.040, 386.250, [RSMo Supp. 1991] 386.610, and 393.140, RSMo [1986] 2000. Original rule filed June 12, 1992, effective May 6, 1993. Amended: Filed Oct. 25, 2010.

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**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 22—Electric Utility Resource Planning**

PROPOSED RULE

4 CSR 240-22.045 Transmission and Distribution Analysis

PURPOSE: This rule specifies the minimum standards for the scope and level of detail required for transmission and distribution network analysis and reporting.

(1) The electric utility shall describe and document its consideration of the adequacy of the transmission and distribution networks in fulfilling the fundamental planning objectives set out in 4 CSR 240-22.010. Each utility shall consider, at a minimum, improvements to the transmission and distribution networks that—

(A) Reduce transmission power and energy losses. Opportunities to reduce transmission network losses are among the supply-side resources evaluated pursuant to 4 CSR 240-22.040(3). The utility shall assess the age, condition, and efficiency level of existing transmission and distribution facilities and shall analyze the feasibility and cost-effectiveness of transmission and distribution network loss-reduction measures;

(B) Interconnect new generation facilities. The utility shall assess the need to construct transmission facilities to interconnect any new generation pursuant to 4 CSR 240-22.040(3) and shall reflect those transmission facilities in the cost benefit analyses of the resource options;

(C) Facilitate power purchases or sales. The utility shall assess the transmission upgrades needed to purchase or sell pursuant to 4 CSR 240-22.040(3). An estimate of the portion of costs of these upgrades that are allocated to the utility shall be reflected in the analysis of preliminary supply-side candidate resource options; and

(D) Incorporate advanced transmission and distribution network technologies affecting supply-side resources or demand-side resources. The utility shall assess transmission and distribution improvements that may become available during the planning horizon that facilitate or expand the availability and cost effectiveness of demand-side resources or supply-side resources. The costs and capabilities of these advanced transmission and distribution technologies shall be reflected in the analyses of each resource option.

(2) **Avoided Transmission and Distribution Cost.** The utility shall develop, describe, and document an avoided transmission capacity cost and an avoided distribution capacity cost. The avoided transmission and distribution capacity costs are components of the avoided demand cost pursuant to 4 CSR 240-22.050(5)(A).

(3) **Transmission Analysis.** The utility shall compile information and perform analyses of the transmission networks pertinent to the selection of a resource acquisition strategy. The utility and the Regional Transmission Organization (RTO) to which it belongs both participate in the process for planning transmission upgrades.

(A) The utility shall provide, and describe and document, its—

1. Assessment of the cost and timing of transmission upgrades to reduce losses, to interconnect generation, to facilitate power purchases and sales, and to otherwise maintain a viable transmission network;

2. Assessment of transmission upgrades to incorporate advanced technologies;

3. Estimate of avoided transmission costs;

4. Estimate of the portion and amount of incremental costs of regional transmission upgrades that would be allocated to the utility;

5. Estimate of any revenue credits the utility will receive in the future for previously built or planned regional transmission upgrades; and

6. Estimate of the timing of needed transmission and distribution resources and any transmission resources being built by the RTO for economic reasons that may impact the alternative resource plans of the utility.

(B) The utility may use the RTO transmission expansion plan in its consideration of the factors set out in subsection (3)(A) if all of the following conditions are satisfied:

1. The utility actively participates in the development of the RTO transmission plan;

2. The utility reviews the RTO transmission expansion plans each year to assess whether the RTO transmission expansion plans, in the judgment of the utility decision-makers, are in the interests of the utility's customers; and

3. The utility documents and describes its review and assessment of the RTO transmission expansion plans.

(C) The utility shall provide copies of the RTO expansion plans, its assessment of the plans, and any supplemental information developed by the utility to fulfill the requirements in subsection (3)(B) of this rule.

(D) The utility shall provide a report for consideration in 4 CSR 240-22.040(3) that identifies the physical transmission upgrades needed to interconnect generation, facilitate power purchases and sales, and otherwise maintain a viable transmission network, including:

1. A list of the transmission upgrades needed to physically interconnect a generation source within the RTO footprint;

2. A list of the transmission upgrades needed to enhance deliverability from a point of delivery within the RTO, including requirements for firm transmission service from the point of delivery to the utility's load and requirements for financial transmission rights from a point of delivery within the RTO to the utility's load;

3. A list of transmission upgrades needed to physically interconnect a generation source located outside the RTO footprint;

4. A list of the transmission upgrades needed to enhance deliverability from a generator located outside the RTO including requirements for firm transmission service to a point of delivery within the RTO footprint and requirements for financial transmission rights to a point of delivery within the RTO footprint;

5. The estimated total cost of each transmission upgrade and estimated congestion costs; and

6. The estimated fraction of the total cost and amount of each transmission upgrade allocated to the utility.

(4) **Analysis Required for Transmission and Distribution Network Investments to Incorporate Advanced Technologies.**

(A) The utility shall develop, and describe and document, plans for transmission upgrades to incorporate advanced transmission technologies as necessary to optimize the investment in the advanced technologies for transmission facilities owned by the utility. The utility may use the RTO transmission expansion plan in its consideration of advanced transmission technologies if all of the conditions in paragraphs (3)(B)1. through (3)(B)3. are satisfied.

(B) The utility shall develop, and describe and document, plans for distribution network upgrades as necessary to optimize its investment in advanced distribution technologies.

(C) The utility shall describe and document its optimization of investment in advanced transmission and distribution technologies based on an analysis of—

1. Total costs, including:

A. Costs of the advanced grid investments;

B. Costs of the non-advanced grid investments;

C. Reduced resource costs through enhanced demand response resources and enhanced integration of customer-owned generation resources; and

D. Reduced supply-side production costs;

2. Cost effectiveness, including:

A. The monetary values of all incremental costs of the energy resources and delivery system based on advanced grid technologies relative to the costs of the energy resources and delivery system based on non-advanced grid technologies;

B. The monetary values of all incremental benefits of the energy resources and delivery system based on advanced grid technologies relative to the costs of the energy resources and delivery system based on non-advanced grid technologies; and

C. Additional non-monetary factors considered by the utility;

3. Societal benefit, including:

A. More consumer power choices;

B. Improved utilization of existing resources;

C. Opportunity to reduce cost in response to price signals;

D. Opportunity to reduce environmental impact in response to environmental signals;

4. Any other factors identified by the utility; and

5. Any other factors identified in the special contemporary issues process pursuant to 4 CSR 240-22.080(4) or the stakeholder group process pursuant to 4 CSR 240-22.080(5).

(D) Before the utility includes non-advanced transmission and distribution grid technologies in its triennial compliance filing or annual update filing, the utility shall—

1. Conduct an analysis which demonstrates that investment in each non-advanced transmission and distribution upgrade is more beneficial to consumers than an investment in the equivalent upgrade incorporating advanced grid technologies. The utility may rely on a generic analysis as long as it verifies its applicability; and

2. Describe and document the analysis.

(E) The utility shall develop, describe, and document the utility's cost benefit analysis and implementation of advanced grid technologies to include:

1. A description of the utility's efforts at incorporating advanced grid technologies into its transmission and distribution networks;

2. A description of the impact of the implementation of distribution advanced grid technologies on the selection of a resource acquisition strategy; and

3. A description of the impact of the implementation of transmission advanced grid technologies on the selection of a resource acquisition strategy.

AUTHORITY: sections 386.040, 386.250, 386.610, and 393.140, RSMo 2000. Original rule filed Oct. 25, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities one hundred forty thousand dollars (\$140,000) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Steven C. Reed, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before January 3, 2011, and should include a reference to Commission File No. EX-2010-0254. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/case-filing-information>. A public hearing regarding this proposed rule is scheduled for January 6 at 9:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:** Missouri Department of Economic Development
Division Title: Missouri Public Service Commission
Chapter Title: Chapter 22 - Electric Utility Resource Planning

Rule Number and Title:	4 CSR 240-22.045 Transmission and Distribution Analysis
Type of Rulemaking:	New Rulemaking

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the first year cost of compliance with the rule by the affected entities:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities (years 2-4):
4	Investor-owned electric utilities	\$140,000	\$140,000

III. WORKSHEET

1. KCPL estimated the an annual cost of \$80,000 to comply with this proposed rule
2. Empire stated that it was difficult to assign any costs at this time to this proposed rule. However, it does estimate a total increase in the cost of report writing (in which it specifically mentions the 4 CSR 240-22.045) of \$30,000
3. AmerenUE did not estimate a fiscal impact for this proposed rule.

IV. ASSUMPTIONS

- The estimates given by KCPL are for both KCP&L and KCP&L Greater Missouri Operations Company. Annual cost for each utility is \$40,000.
- There would be some costs to write the reports required by the rule.
- Using the estimate of \$40,000 per utility given by KCPL, annual cost for AmerenUE is estimated at \$40,000.
- Using the estimate of \$40,000 per utility and the changes to filing frequency for Empire which results in Empire having to meet the full rule requirements every six years instead of the current requirement of every 3 years, annual cost for Empire is estimated at \$20,000
- *Therefore, the total cost for compliance with this proposed rule is estimated to be \$140,000.*

Editor's Note: The Dissent of Commissioner Jeff Davis to the Proposed Rulemakings Revising the Commission's Chapter 22 Electric Utility Resource Planning Rules follows 4 CSR 240-22.080 on page 1776 of this issue of the Missouri Register.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 22—Electric Utility Resource Planning**

PROPOSED AMENDMENT

4 CSR 240-22.050 Demand-Side Resource Analysis. The commission is amending the purpose statement, deleting sections (1) through (11), and adding new sections (1) through (8).

PURPOSE: This proposed amendment allows the utility to determine whether it develops potential demand-side resources using an up/down or down/up analysis. It also allows the utility more latitude in the derivation of avoided costs.

PURPOSE: This rule specifies the [methods] principles by which [end-use measures and] potential demand-side [programs] resource options shall be developed and [screened] analyzed for cost-effectiveness[. It also requires the ongoing evaluation of end-use measures and programs, and the use of program evaluation information to improve program design and cost-effectiveness analysis], with the goal of achieving all cost-effective demand-side savings. It also requires the selection of demand-side candidate resource options that are passed on to integrated resource analysis in 4 CSR 240-22.060 and an assessment of their technical potentials and realistic achievable potentials.

[(1) Identification of End-Use Measures. The analysis of demand-side resources shall begin with the development of a menu of energy efficiency and energy management measures that provide broad coverage of—

(A) All major customer classes, including at least residential, commercial, industrial and interruptible;

(B) All significant decision-makers, including at least those who choose building design features and thermal integrity levels, equipment and appliance efficiency levels, and utilization levels of the energy-using capital stock;

(C) All major end uses, including at least lighting, refrigeration, space cooling, space heating, water heating and motive power; and

(D) Renewable energy sources and energy technologies that substitute for electricity at the point of use.

(2) Calculation of Avoided Costs. The utility shall develop estimates of the cost savings that can be obtained by substituting demand-side resources for existing and new supply-side resources. These avoided cost estimates, expressed in nominal dollars, shall be used for cost-effectiveness screening and ranking of end-use measures and demand-side programs.

(A) Supply Resource Cost Estimates. The utility shall use the cost estimates developed pursuant to 4 CSR 240-22.040(2) to calculate the following two (2) estimates of avoided cost: avoided utility costs and avoided utility costs plus avoided probable environmental costs.

1. The choice of new generation options used to calculate avoided costs shall be limited to those which will meet the need for capacity under the base-case load forecast at approximately the lowest present value of utility revenue requirements over the planning horizon. The utility shall document the basis on which the timing and choice of the new

generation options were determined to be approximately least cost.

2. The utility shall calculate the annual capacity cost of each new generation option and new transmission and distribution facilities as the sum of the levelized capital cost per kilowatt-year and the fixed operation and maintenance cost per kilowatt-year.

3. The utility shall calculate the direct running cost of each generation option as the sum of fuel costs, sulfur dioxide emission allowance costs, and variable operation and maintenance costs per kilowatt-hour (kWh). The probable environmental costs calculated pursuant to 4 CSR 240-22.040(2)(B) shall also be expressed on a per-kilowatt hour basis for both existing and new generation resources.

(B) Avoided Cost Periods. The utility shall determine avoided cost periods by grouping hours on a seasonal (for example, summer, winter and transition) and time-of-use basis (for example, on-peak, off-peak, super-peak or shoulder-peak) as required to adequately reflect significant differences in running costs and the type of capacity being utilized to maintain required reserve margins.

(C) Calculation of Avoided Capacity and Running Costs. Avoided costs shall be calculated as the difference in costs associated with a specified decrement in load large enough to delay the on-line date of the new capacity additions by at least one (1) year.

1. Avoided running cost. For each year of the planning horizon and for each avoided cost period, the utility shall calculate the avoided direct running cost per kWh (including sulfur dioxide emission allowance costs) and the avoided probable environmental running cost per kWh due to the specified load decrement.

2. Avoided capacity costs. The utility shall calculate and document the avoided capacity costs per kilowatt-year for each year of the planning horizon.

A. This calculation shall include the costs of any new generation, transmission and distribution facilities that are delayed or avoided because of the specified load decrement.

B. For each year of the planning horizon, the utility shall determine the avoided cost periods in which the avoided new generation, transmission and distribution capacity was utilized, and shall allocate a nonzero portion of the annualized avoided capacity costs to each of the periods in which that capacity was utilized.

(D) Avoided Demand and Energy Costs. The utility shall use the avoided capacity and running costs (appropriately adjusted to reflect reliability reserve margins, demand losses and energy losses) to calculate the avoided demand and energy costs for each avoided cost period. Demand periods shall be defined as the avoided cost periods in which there is a significant probability of a loss of load (for example, periods which require the use of peaking capacity to maintain power pool reserve margins). Nondemand periods are the avoided cost periods in which there is not a significant probability of a loss of load.

1. Demand period avoided demand costs. Avoided demand costs per kilowatt-year for the demand periods of each season shall include avoided transmission and distribution capacity costs, plus the smaller of the avoided generation capacity cost allocated to the demand period or the avoided capacity cost of peaking capacity.

2. Demand period avoided energy costs. Any capacity cost per kilowatt-year allocated to the demand periods but not included in the avoided demand cost shall be converted to an avoided energy cost by dividing the avoided capacity cost per kilowatt-year by the number of hours in the associated demand period. The utility shall add this converted avoided capacity cost to both of the running cost estimates

developed pursuant to paragraph (2)(C)1. to calculate the demand period direct energy costs and the probable environmental energy costs.

3. Nondemand period avoided demand cost. The avoided demand cost for the nondemand periods is zero (0).

4. Nondemand period avoided energy costs. Avoided capacity cost per kilowatt-year allocated to the nondemand periods within each season shall be converted to a per-kilowatt-hour cost by dividing the avoided capacity cost per kilowatt-year by the number of hours in the associated nondemand period. The utility shall add this converted avoided capacity cost to both of the running cost estimates developed pursuant to paragraph (2)(C)1. to calculate the nondemand period direct energy costs and the probable environmental energy costs.

5. Annual avoided demand and energy costs. Annual avoided demand costs shall include avoided transmission and distribution capacity costs, plus the smaller of the annual avoided generation capacity costs or the avoided capacity cost of peaking capacity. Annual avoided energy costs shall include annual avoided running costs plus any avoided capacity costs not included in the annual demand cost.

(3) Cost-Effectiveness Screening of End-Use Measures. The utility shall evaluate the cost-effectiveness of each end-use measure identified pursuant to section (1) using the probable environmental benefits test. All costs and benefits shall be expressed in nominal dollars.

(A) The utility shall develop estimates of the end-use measure demand reduction for each demand period and energy savings per installation for each avoided cost period on a normal-weather basis. If the utility can show that subannual load impact estimates are not required to capture the potential benefits of an end-use measure, annual estimates of demand and energy savings may be used for cost-effectiveness screening.

(B) Benefits per installation of each end-use measure in each avoided cost period shall be calculated as the demand reduction multiplied by the levelized avoided demand cost plus the energy savings multiplied by the levelized avoided energy cost.

1. Avoided costs in each avoided cost period shall be levelized over the planning horizon using the utility discount rate.

2. Annualized benefits shall be calculated as the sum of the levelized benefits over all avoided cost periods.

(C) Annualized costs per installation for each end-use measure shall be calculated as the sum of the following components:

1. Incremental costs of implementing the measure (regardless of who pays these costs) levelized over the life of the measure using the utility discount rate;

2. Incremental annual operation and maintenance costs (regardless of who pays these costs) levelized over the life of the measure using the utility discount rate; and

3. Any probable environmental impact mitigation costs due to implementation of the end-use measure that are borne by either the utility or the customer.

(D) Annualized costs for end-use measures shall not include either utility marketing and delivery costs for demand-side programs or lost revenues due to measure-induced reductions in energy sales or billing demands between rate cases.

(E) Annualized benefits minus annualized costs per installation must be positive or the ratio of annualized benefits to annualized costs must be greater than one (1) for an end-use measure to pass the screening test. The utility may relax this criterion for measures that are judged to have potential ben-

efits which are not captured by the estimated load impacts or avoided costs.

(F) End-use measures that pass the probable environmental benefits test must be included in at least one (1) potential demand-side program.

(G) For each end-use measure that passes the probable environmental benefits test, the utility also shall perform the utility benefits test for informational purposes. This calculation shall include the cost components identified in paragraphs (3)(C)1. and 2..

(4) The utility shall estimate the technical potential of each end-use measure that passes the screening test.

(5) The utility shall conduct market research studies, customer surveys, pilot demand-side programs, test marketing programs and other activities as necessary to estimate the technical potential of end-use measures and to develop the information necessary to design and implement cost-effective demand-side programs. These research activities shall be designed to provide a solid foundation of information about how and by whom energy-related decisions are made and about the most appropriate and cost-effective methods of influencing these decisions in favor of greater long-run energy efficiency.]

(6) The utility shall develop a set of potential demand-side programs that are designed to deliver an appropriate selection of end-use measures to each market segment. The demand-side program planning and design process shall include at least the following activities and elements:

(A) Identify market segments that are numerous and diverse enough to provide relatively complete coverage of the classes and decision-makers identified in subsections (1)(A) and (B), and that are specifically defined to reflect the primary market imperfections that are common to the members of the market segment;

(B) Analyze the interactions between end-use measures (for example, more efficient lighting reduces the savings related to efficiency gains in cooling equipment because efficient lighting reduces intrinsic heat gain);

(C) Assemble menus of end-use measures that are appropriate to the shared characteristics of each market segment and cost-effective as measured by the screening test; and

(D) Design a marketing plan and delivery process to present the menu of end-use measures to the members of each market segment and to persuade decision-makers to implement as many of these measures as may be appropriate to their situation.

(7) Cost-Effectiveness Screening of Demand-Side Programs. The utility shall evaluate the cost-effectiveness of each potential demand-side program developed pursuant to section (6) using the total resource cost test. The utility cost test shall also be performed for purposes of comparison. All costs and benefits shall be expressed in nominal dollars. The following procedure shall be used to perform these tests:

(A) The utility shall estimate the incremental and cumulative number of program participants and end-use measure installations due to the program and the incremental and cumulative demand reduction and energy savings due to the program in each avoided cost period in each year of the planning horizon.

1. Initial estimates of demand-side program load impacts shall be based on the best available information from in-house research, vendors, consultants, industry research groups, national laboratories or other credible sources.

2. As the load-impact measurements required by subsection (9)(B) become available, these results shall be used in the ongoing development and screening of demand-side programs and in the development of alternative resource plans;

(B) In each year of the planning horizon, the benefits of each demand-side program shall be calculated as the cumulative demand reduction multiplied by the avoided demand cost plus the cumulative energy savings multiplied by the avoided energy cost, summed over the avoided cost periods within each year. These calculations shall be performed using the avoided probable environmental costs developed pursuant to section (2);

(C) *Utility Cost Test.* In each year of the planning horizon, the costs of each demand-side program shall be calculated as the sum of all utility incentive payments plus utility costs to administer, deliver and evaluate each demand-side program. For purposes of this test, demand-side program costs shall not include lost revenues or costs paid by participants in demand-side programs;

(D) *Total Resource Cost Test.* In each year of the planning horizon, the costs of each demand-side program shall be calculated as the sum of all incremental costs of end-use measures that are implemented due to the program (including both utility and participant contributions) plus utility costs to administer, deliver and evaluate each demand-side program. For purposes of this test, demand-side program costs shall not include lost revenues or utility incentive payments to customers;

(E) The present value of program benefits minus the present value of program costs over the planning horizon must be positive or the ratio of annualized benefits to annualized costs must be greater than one (1) for a demand-side program to pass the utility cost test or the total resource cost test. The utility may relax this criterion for programs that are judged to have potential benefits that are not captured by the estimated load impacts or avoided costs; and

(F) Potential demand-side programs that pass the total resource cost test shall be considered as candidate resource options and must be included in at least one (1) alternative resource plan developed pursuant to 4 CSR 240-22.060(3).

(8) For each demand-side program that passes the total resource cost test, the utility shall develop time-differentiated load impact estimates over the planning horizon at the level of detail required by the supply system simulation model that is used in the integrated resource analysis required by 4 CSR 240-22.060(4).

(9) *Evaluation of Demand-Side Programs.* The utility shall develop evaluation plans for all demand-side programs that are included in the preferred resource plan selected pursuant to 4 CSR 240-22.070(6). The purpose of these evaluations shall be to develop the information necessary to improve the design of existing and future demand-side programs, and to gather data on the implementation costs and load impacts of programs for use in cost-effectiveness screening and integrated resource analysis.

(A) *Process Evaluation.* Each demand-side program that is part of the utility's preferred resource plan shall be subjected to an ongoing evaluation process which addresses at least the following questions about program design:

1. What are the primary market imperfections that are common to the target market segment?

2. Is the target market segment appropriately defined or should it be further subdivided or merged with other segments?

3. Does the mix of end-use measures included in the

program appropriately reflect the diversity of end-use energy service needs and existing end-use technologies within the target segment?

4. Are the communication channels and delivery mechanisms appropriate for the target segment? and

5. What can be done to more effectively overcome the identified market imperfections and to increase the rate of customer acceptance and implementation of each end-use measure included in the program?

(B) *Impact Evaluation.* The utility shall develop methods of estimating the actual load impacts of each demand-side program included in the utility's preferred resource plan to a reasonable degree of accuracy.

1. *Impact evaluation methods.* Comparisons of one (1) or both of the following types shall be used to measure program impacts in a manner that is based on sound statistical principles:

A. Comparisons of preadoption and postadoption loads of program participants, corrected for the effects of weather and other intertemporal differences; and

B. Comparisons between program participants' loads and those of an appropriate control group over the same time period.

2. The utility shall develop load-impact measurement protocols that are designed to make the most cost-effective use of the following types of measurements, either individually or in combination: monthly billing data, load research data, end-use load metered data, building and equipment simulation models, and survey responses or audit data on appliance and equipment type, size and efficiency levels, household or business characteristics, or energy-related building characteristics.

(C) The utility shall develop protocols to collect data regarding demand-side program market potential, participation rates, utility costs, participant costs and total costs.

(10) Demand-side programs and load-building programs shall be separately designed and administered, and all costs shall be separately classified so as to permit a clear distinction between demand-side program costs and the costs of load-building programs. The costs of demand-side resource development that also serve other functions shall be allocated between the functions served.

(11) *Reporting Requirements.* To demonstrate compliance with the provisions of this rule, and pursuant to the requirements of 4 CSR 240-22.080, the utility shall prepare a report that contains at least the following information:

(A) A list of the end-use measures developed for initial screening pursuant to the requirements of section (1) of this rule;

(B) The estimated load impacts, annualized costs per installation and the results of the probable environmental benefits test for each end-use measure identified pursuant to section (1);

(C) The technical potential and the results of the utility benefits test for each end-use measure that passes the probable environmental benefits test;

(D) Documentation of the methods and assumptions used to develop the avoided cost estimates developed pursuant to section (2) including:

1. A description of the type and timing of new supply resources, including transmission and distribution facilities, used to calculate avoided capacity costs;

2. A description of the assumptions and procedure used to calculate avoided running costs;

3. A description of the avoided cost periods and how they were determined;

4. A tabulation of the direct running costs and the probable environmental running costs for each avoided cost period in each year of the planning horizon; and

5. A tabulation of the avoided demand cost, the avoided direct energy costs and the avoided probable environmental energy costs for each avoided cost period in each year of the planning horizon;

(E) Copies of completed market research studies, pilot programs, test marketing programs and other studies as required by section (5) of this rule and descriptions of those studies that are planned or in progress and the scheduled completion dates;

(F) A description of each market segment identified pursuant to subsection (6)(A);

(G) A description of each demand-side program developed for initial screening pursuant to section (6) of this rule;

(H) A tabulation of the incremental and cumulative number of participants, load impacts, utility costs and program participant costs in each year of the planning horizon for each demand-side program developed pursuant to section (6) of this rule;

(I) The results of the utility cost test and the total resource cost test for each demand-side program developed pursuant to section (6) of this rule; and

(J) A description of the process and impact evaluation plans for demand-side programs that are included in the preferred resource plan as required by section (9) of this rule and the results of any such evaluations that have been completed since the utility's last scheduled filing pursuant to 4 CSR 240-22.080.]

(1) The utility shall identify a set of potential demand-side resources from which demand-side candidate resource options will be identified for the purposes of developing the alternative resource plans required by 4 CSR 240-22.060(3). A potential demand-side resource consists of a demand-side program designed to deliver one (1) or more energy efficiency and energy management measures or a demand-side rate. The utility shall select the set of potential demand-side resources and describe and document its selection—

(A) To provide broad coverage of—

1. Appropriate market segments within each major class;
2. All significant decision-makers, including at least those who choose building design features and thermal integrity levels, equipment and appliance efficiency levels, and utilization levels of the energy-using capital stock;
3. All major end uses, including at least the end uses which are to be considered in the utility's load analysis as listed in 4 CSR 240-22.030(4)(A)1.; and
4. Renewable energy sources, distributed generation resources, and energy technologies on the customer-side of the meter that substitute for electricity at the point of use;

(B) To fulfill the goal of achieving all cost-effective demand-side savings, the utility shall design highly effective potential demand-side programs pursuant to subsection (1)(A) that broadly cover the full spectrum of cost-effective end-use measures for all customer market segments;

(C) To include demand-side rates for all customer market segments;

(D) To consider and assess multiple designs for demand-side programs and demand-side rates, selecting the optimal designs for implementation, and modifying them as necessary to enhance their performance; and

(E) To include the effects of improved technologies expected over the planning horizon to—

1. Reduce or manage energy use; or
2. Improve the delivery of demand-side programs or demand-side rates.

(2) The utility shall describe and document market research studies, customer surveys, pilot demand-side programs, pilot demand-side rates, test marketing programs, and other activities as necessary to estimate the technical potential and realistic achievable potential of potential demand-side resource options for the utility and to develop the information necessary to design and implement cost-effective demand-side programs and demand-side rates. These research activities shall be designed to provide a solid foundation of information applicable to the utility about how and by whom energy-related decisions are made and about the most appropriate and cost-effective methods of influencing these decisions in favor of greater long-run energy efficiency and energy management impacts. The utility may compile existing data or adopt data developed by other entities, including government agencies and other utilities, as long as the utility verifies the applicability of the adopted data to its service territory. The utility shall provide copies of completed market research studies, pilot programs, pilot rates, test marketing programs, and other studies as required by this rule and descriptions of those studies that are planned or in progress and the scheduled completion dates.

(3) The utility shall develop potential demand-side programs that are designed to deliver an appropriate selection of end-use measures to each market segment. The utility shall describe and document its potential demand-side program planning and design process which shall include at least the following activities and elements:

(A) Review demand-side programs that have been implemented by other utilities with similar characteristics and identify programs that would be applicable for the utility;

(B) Identify, describe, and document market segments that are numerous and diverse enough to provide relatively complete coverage of the major classes and decision-makers identified in subsection (1)(A) and that are specifically defined to reflect the primary market imperfections that are common to the members of the market segment;

(C) Identify a comprehensive list of end-use measures and demand-side programs considered by the utility and develop menus of end-use measures for each demand-side program. The demand-side programs shall be appropriate to the shared characteristics of each market segment. The end-use measures shall reflect technological changes in end-uses that may be reasonably anticipated to occur during the planning horizon;

(D) Assess how advancements in metering and distribution technologies that may be reasonably anticipated to occur during the planning horizon affect the ability to implement or deliver potential demand-side programs;

(E) Design a marketing plan and delivery process to present the menu of end-use measures to the members of each market segment and to persuade decision-makers to implement as many of these measures as may be appropriate to their situation. When appropriate, consider multiple approaches for the same menu of end-use measures;

(F) Evaluate statewide marketing and outreach programs, joint programs with natural gas utilities, upstream market transformation programs, and other activities. In the event that statewide marketing and outreach programs are preferred, the utilities shall develop joint programs in consultation with the stakeholder group;

(G) Estimate the characteristics needed for the twenty (20)-year planning horizon to assess the cost effectiveness of each potential demand-side program, including:

1. An assessment of the demand and energy reduction impacts of each stand-alone end-use measure contained in each potential demand-side program;
2. An assessment of how the interactions between end-use measures, when bundled with other end-use measures in the

potential demand-side program, would affect the stand-alone end-use measure impact estimates;

3. An estimate of the incremental and cumulative number of program participants and end-use measure installations due to the potential demand-side program;

4. For each year of the planning horizon, an estimate of the incremental and cumulative demand reduction and energy savings due to the potential demand-side program; and

5. For each year of the planning horizon, an estimate of the costs, including:

A. The incremental cost of each stand-alone end-use measure;

B. The cost of incentives paid by the utility to customers to participate in the potential demand-side program. The utility shall consider multiple levels of incentives paid by the utility for each end-use measure within a potential demand-side program, with commensurate adjustments to the technical potential and the realistic achievable potential of that potential demand-side program;

C. The cost of incentives to customers to participate in the potential demand-side program paid by the entities other than the utility;

D. The cost to the customer and to the utility of technology to implement a potential demand-side program;

E. The utility's cost to administer the potential demand-side program; and

F. Other costs identified by the utility;

(H) A tabulation of the incremental and cumulative number of participants, load impacts, utility costs, and program participant costs in each year of the planning horizon for each potential demand-side program; and

(I) The utility shall describe and document how it performed the assessments and developed the estimates pursuant to subsection (3)(G) and shall provide documentation of its sources and quality of information.

(4) The utility shall develop potential demand-side rates designed for each market segment to reduce the net consumption of electricity or modify the timing of its use. The utility shall describe and document its demand-side rate planning and design process and shall include at least the following activities and elements:

(A) Review demand-side rates that have been implemented by other utilities and identify whether similar demand-side rates would be applicable for the utility taking into account factors such as similarity in electric prices and customer makeup;

(B) Identify demand-side rates applicable to the major classes and decision-makers identified in subsection (1)(A). When appropriate, consider multiple demand-side rate designs for the same major classes;

(C) Assess how technological advancements that may be reasonably anticipated to occur during the planning horizon, including advanced metering and distribution systems, affect the ability to implement demand-side rates;

(D) Estimate the characteristics needed for the twenty (20)-year planning horizon to assess the cost effectiveness of each potential demand-side rate, including:

1. An assessment of the demand and energy reduction impacts of each potential demand-side rate;

2. An assessment of how the interactions between multiple potential demand-side rates, if offered simultaneously, would affect the impact estimates;

3. An assessment of how the interactions between potential demand-side rates and potential demand-side programs would affect the impact estimates of the potential demand-side programs and potential demand-side rates;

4. For each year of the planning horizon, an estimate of the incremental and cumulative demand reduction and energy savings due to the potential demand-side rate; and

5. For each year of the planning horizon, an estimate of the

costs of each potential demand-side rate, including:

A. The cost of incentives to customers to participate in the potential demand-side rate paid by the utility. The utility shall consider multiple levels of incentives to achieve customer participation in each potential demand-side rate, with commensurate adjustments to the technical potential and the realistic achievable potentials of that potential demand-side rate;

B. The cost to the customer and to the utility of technology to implement the potential demand-side rate;

C. The utility's cost to administer the potential demand-side rate; and

D. Other costs identified by the utility;

(E) A tabulation of the incremental and cumulative number of participants, load impacts, utility costs, and program participant costs in each year of the planning horizon for each potential demand-side program;

(F) Evaluate how each demand-side rate would be considered by the utility's Regional Transmission Organization (RTO); and

(G) The utility shall describe and document how it performed the assessments and developed the estimates pursuant to subsection (4)(D) and shall document its sources and quality of information.

(5) The utility shall describe and document its evaluation of the cost-effectiveness of each potential demand-side program developed pursuant to section (3) and each potential demand-side rate developed pursuant to section (4). All costs and benefits shall be expressed in nominal dollars.

(A) In each year of the planning horizon, the benefits of each potential demand-side program and each potential demand-side rate shall be calculated as the cumulative demand reduction multiplied by the avoided demand cost plus the cumulative energy savings multiplied by the avoided energy cost. These calculations shall be performed both with and without the avoided probable environmental costs. The utility shall describe and document the methods, data, and assumptions it used to develop the avoided costs.

1. The utility avoided demand cost shall include the capacity cost of generation, transmission, and distribution facilities, adjusted to reflect reliability reserve margins and capacity losses on the transmission and distribution systems, or the corresponding market-based equivalents of those costs. The utility shall describe and document how it developed its avoided demand cost, and the capacity cost chosen shall be consistent throughout the triennial compliance filing.

2. The utility avoided energy cost shall include the fuel costs, emission allowance costs, and variable operation and maintenance costs of generation facilities, adjusted to reflect energy losses on the transmission and distribution systems, or the corresponding market-based equivalents of those costs. The utility shall describe and document how it developed its avoided energy cost, and the energy costs shall be consistent throughout the triennial compliance filing.

3. The avoided probable environmental costs include the effects of the probable environmental costs calculated pursuant to 4 CSR 240-22.040(2)(B) on the utility avoided demand cost and the utility avoided energy cost. The utility shall describe and document how it developed its avoided probable environmental cost.

(B) The total resource cost test shall be used to evaluate the cost-effectiveness of the potential demand-side programs and potential demand-side rates. In each year of the planning horizon—

1. The costs of each potential demand-side program shall be calculated as the sum of all incremental costs of end-use measures that are implemented due to the program (including both utility and participant contributions) plus utility costs to administer, deliver, and evaluate each potential demand-side program;

2. The costs of each potential demand-side rate shall be calculated as the sum of all incremental costs that are due to the rate

(including both utility and participant contributions) plus utility costs to administer, deliver, and evaluate each potential demand-side rate;

3. For purposes of this test, the costs of potential demand-side programs and potential demand-side rates shall not include lost revenues or utility incentive payments to customers; and

4. The costs shall include, but separately identify, the costs of any rate of return or incentive included in the utility's recovery of demand-side program costs.

(C) The utility cost test shall also be performed for purposes of comparison. In each year of the planning horizon—

1. The costs of each potential demand-side program and potential demand-side rate shall be calculated as the sum of all utility incentive payments plus utility costs to administer, deliver, and evaluate each potential demand-side program or potential demand-side rate; and

2. For purposes of this test, the costs of potential demand-side programs and potential demand-side rates shall not include lost revenues.

(D) The present value of program benefits minus the present value of program costs over the planning horizon must be positive or the ratio of annualized benefits to annualized costs must be greater than one (1) for a potential demand-side program or potential demand-side rate to pass the utility cost test or the total resource cost test. The utility may relax this criterion for programs that are judged to have potential benefits that are not captured by the estimated load impacts or avoided costs, including programs required to comply with legal mandates.

(E) The utility shall provide results of the total resource cost test and the utility cost test for each potential demand-side program evaluated pursuant to subsection (5)(B) and for each potential demand-side rate evaluated pursuant to subsection (5)(C) of this rule, including a tabulation of the benefits (avoided costs), demand-side resource costs, and net benefits or costs.

(F) If the utility calculates values for other tests to assist in the design of demand-side programs or demand-side rates, the utility shall describe and document the tests and provide the results of those tests.

(G) The utility shall describe and document how it performed the cost effectiveness assessments pursuant to section (5) and shall describe and document its methods and its sources and quality of information.

(6) Potential demand-side programs and potential demand-side rates that pass the total resource cost test including probable environmental costs shall be considered as demand-side candidate resource options and must be included in at least one (1) alternative resource plan developed pursuant to 4 CSR 240-22.060(3).

(A) The utility may bundle demand-side candidate resource options into portfolios, as long as the requirements pursuant to section (1) are met and as long as multiple demand-side candidate resource options and portfolios advance for consideration in the integrated resource analysis in 4 CSR 240-22.060. The utility shall describe and document how its demand-side candidate resource options and portfolios satisfy these requirements.

(B) For each demand-side candidate resource option or portfolio, the utility shall describe and document the time-differentiated load impact estimates over the planning horizon at the level of detail required by the supply system simulation model that is used in the integrated resource analysis, including a tabulation of the estimated annual change in energy usage and in diversified demand for each year in the planning horizon due to the implementation of the candidate demand-side resource option or portfolio.

(C) The utility shall describe and document its assessment of the potential uncertainty associated with the load impact estimates of the demand-side candidate resource options or portfolios. The utility shall estimate—

1. The impact of the uncertainty concerning the customer participation levels by estimating and comparing the technical potential and realistic achievable potential of each demand-side candidate resource option or portfolio; and

2. The impact of uncertainty concerning the cost effectiveness by identifying uncertain factors affecting which demand-side resources are cost effective. The utility shall identify how the menu of cost effective demand-side measures changes with these uncertain factors and shall estimate how these changes affect the load impact estimates associated with the demand-side candidate resource options.

(7) For each demand-side candidate resource option identified in section (6), the utility shall describe and document the general principles it will use to develop evaluation plans pursuant to 4 CSR 240-22.070(8). The utility shall verify that the evaluation costs in subsections (5)(B) and (5)(C) are appropriate and commensurate with these evaluation plans and principles.

(8) Demand-side resources and load-building programs shall be separately designed and administered, and all costs shall be separately classified to permit a clear distinction between demand-side resource costs and the costs of load-building programs. The costs of demand-side resource development that also serve other functions shall be allocated between the functions served.

AUTHORITY: sections 386.040, 386.250, [RSMo Supp. 1991] 386.610, and 393.140, RSMo [1986] 2000. Original rule filed June 12, 1992, effective May 6, 1993. Amended: Filed Oct. 25, 2010.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities four hundred sixty-five thousand dollars (\$465,000) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Steven C. Reed, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before January 3, 2011, and should include a reference to Commission File No. EX-2010-0254. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/case-filing-information>. A public hearing regarding this proposed amendment is scheduled for January 6, 2011, at 9:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:** Missouri Department of Economic Development
Division Title: Missouri Public Service Commission
Chapter Title: Chapter 22 - Electric Utility Resource Planning

Rule Number and Title:	4 CSR 240-22.050 Demand-Side Resource Analysis
Type of Rulemaking:	Rule Revision

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the first year cost of compliance with the rule by the affected entities:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities (years 2-4):
4	Investor-owned electric utilities	\$465,000	\$465,000

III. WORKSHEET

1. KCPL estimated \$300,000 additional labor (assumed to be annual costs), \$350,000 one time consultant cost and \$300,000 consultant cost every 6 years. This results in a KCPL estimated \$350,000 annual costs and \$300,000 costs every 6 years.
2. Empire estimated \$170,000 due to analysis related to rate design and smart grid.
3. AmerenUE estimated \$100,000 for the analysis of the smart grid, \$150,000 for evaluation of the impacts of energy efficiency that occurs outside of its programs and \$200,000 for analysis of rate design impacts.

IV. ASSUMPTIONS

KCPL

- Costs supplied for KCPL are assumed to be for both KCP&L and KCP&L – Greater Missouri Operations Company (GMO).
- \$350,000 of the estimated one time cost was estimated for rate planning and design which is already required by the current rule.
- This results in an annual impact of \$300,000 and a every 6 year impact of \$300,000 (which divided by 6 to get an annual amount is \$50,000)

- *Therefore the fiscal impact estimated for KCP&L and GMO is \$350,000 annual costs.*

Empire

- Estimated \$170,000 due to smart grid and rate design requirements
- Rate design is required by the current rule
- Changes to filing frequency for Empire results in Empire having to meet the full rule requirements every six years instead of the current requirement of every 3 years.
- *Therefore, the fiscal impact estimated for Empire is a cost of \$90,000 every 6 years or \$15,000 annually.*

AmerenUE

- In its filings to meet the current requirements, AmerenUE states that it includes an evaluation of the impacts of energy efficiency that occurs outside of its programs in its load forecast. Therefore, AmerenUE is currently incurring this cost.
- Rate design is required by the current rule
- AmerenUE gives costs as cost per filing. Staff assumes that this is an annual cost.
- *Therefore, the fiscal impact estimated for AmerenUE is an annual cost of \$100,000*

Editor's Note: The Dissent of Commissioner Jeff Davis to the Proposed Rulemakings Revising the Commission's Chapter 22 Electric Utility Resource Planning Rules follows 4 CSR 240-22.080 on page 1776 of this issue of the Missouri Register.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 22—Electric Utility Resource Planning**

PROPOSED AMENDMENT

4 CSR 240-22.060 Integrated Resource Plan and Risk Analysis. The commission is amending the purpose statement and sections (1)–(3), deleting sections (4)–(6), and adding new sections (4)–(7).

PURPOSE: This proposed amendment moves the risk analysis currently found in 4 CSR 240-22.070 into the integration process. It also sets out definite filing requirements to document the process.

PURPOSE: This rule requires the utility to design alternative resource plans to meet the planning objectives identified in 4 CSR 240-22.010(2) and sets minimum standards for the scope and level of detail required in resource plan analysis[,] and for the logically consistent and economically equivalent analysis of alternative resource plans. This rule also requires the utility to identify the critical uncertain factors that affect the performance of alternative resource plans and establishes minimum standards for the methods used to assess the risks associated with these uncertainties.

(1) Resource Planning Objectives. The utility shall design alternative resource plans to satisfy at least the objectives and priorities identified in 4 CSR 240-22.010(2). The utility may identify additional planning objectives that alternative resource plans will be designed to *[serve]* meet. The utility shall describe and document its additional planning objectives and its guiding principles to design alternative resource plans that satisfy all of the planning objectives and priorities.

(2) Specification of Performance Measures. The utility shall specify, describe, and document a set of quantitative measures for assessing the performance of alternative resource plans with respect to *[identified]* resource planning objectives.

(A) These performance measures shall include at least the following: *[present]*

1. Present worth of utility revenue requirements, *[present]* with and without any financial performance incentives the utility is planning to request;

2. Present worth of probable environmental costs*[, present]*;

3. Present worth of out-of-pocket costs to participants in demand-side programs*[, levelized annual average]* and rates *[and maximum]*;

4. Levelized annual average rates;

5. Maximum single-year increase in annual average rates;

6. Financial ratios or other credit metrics indicative of the utility's ability to finance alternative resource plans; and

7. Other measures that utility decision-makers believe are appropriate for assessing the performance of alternative resource plans relative to the planning objectives identified in 4 CSR 240-22.010(2).

(B) All present worth and levelization calculations shall use the utility discount rate and all costs and benefits shall be expressed in nominal dollars. *[Utility decision-makers may also specify other measures that they believe are appropriate for assessing the performance of resource plans relative to the planning objectives identified in 4 CSR 240-22.010(2).]*

(3) Development of Alternative Resource Plans. The utility shall use appropriate combinations of *[candidate]* demand-side resources and supply-side resources to develop a set of alternative resource plans, each of which is designed to achieve one (1) or more of the planning objectives identified in 4 CSR 240-22.010(2). Demand-side resources are the demand-side candidate resource options and portfolios developed in 4 CSR 240-22.050(6). Supply-side resources are the supply-side candidate resource options developed in 4 CSR 240-22.040(4). The goal is to develop a set of alternative plans based on substantively different mixes of supply-side resources and demand-side resources to assess their relative performance under expected conditions as well as their robustness under a broad range of conditions.

(A) The utility shall develop, and describe and document, at least one (1) alternative resource plan, and as many as may be needed to assess the range of resource options, for each of the following cases. Each of the alternative resource plans for cases pursuant to paragraphs (3)(A)1.–(3)(A)5. shall provide resources to meet at least the projected load growth and resource retirements over the planning period in a manner specified by the case. The utility shall examine cases that—

1. Minimally comply with legal mandates for demand-side resources, renewable energy resources, and other mandated energy resources. This constitutes the compliance benchmark resource plan for planning purposes;

2. Utilize only renewable energy resources, up to the maximum potential capability of renewable resources in each year of the planning horizon, if that results in more renewable energy resources than the minimally compliant plan. This constitutes the aggressive renewable energy resource plan for planning purposes;

3. Utilize only demand-side resources, up to the maximum technical potential of demand-side resources in each year of the planning horizon, if that results in more demand-side resources than the minimally-compliant plan. This constitutes the aggressive demand-side resource plan for planning purposes;

4. In the event that legal mandates identify energy resources other than renewable energy or demand-side resources, utilize only the other energy resources, up to the maximum potential capability of the other energy resources in each year of the planning horizon, if that results in more of the other energy resources than the compliance benchmark resource plan. For planning purposes, this constitutes the aggressive legally-mandated other energy resource plan;

5. Optimally comply with legal mandates for demand-side resources, renewable energy resources, and other targeted energy resources. This constitutes the optimal compliance resource plan, where every legal mandate is at least minimally met, but some resources may be optimally utilized at levels greater than the mandated minimums;

6. Any other plan specified by the staff as a special temporary issue pursuant to 4 CSR 240-22.080(4);

7. Any other plan specified by commission order; and

8. Any additional alternative resource plans that the utility deems should be analyzed.

(B) The alternative resource plans developed at this stage of the analysis shall not include load-building programs, which shall be analyzed as required by *[section (5) of this rule]* 4 CSR 240-22.070(5).

[(4) Analysis of Alternative Resource Plans. The utility shall assess the relative performance of the alternative resource plans by calculating for each plan the value of each performance measure specified pursuant to section (2). This calculation shall assume values for uncertain factors that are judged by utility decision-makers to be most likely. The analysis shall cover a planning horizon of at least twenty (20) years and shall be carried out with computer models]

that are capable of simulating the total operation of the system on a year-by-year basis in order to assess the cumulative impacts of alternative resource plans. These models shall be sufficiently detailed to accomplish the following tasks and objectives:

(A) The financial impact of alternative resource plans shall be modeled in sufficient detail to provide comparative estimates of at least the following measures of the utility's financial condition for each year of the planning horizon: pre-tax interest coverage, ratio of total debt to total capital and ratio of net cash flow to capital expenditures;

(B) The modeling procedure shall be based on the assumption that rates will be adjusted annually, in a manner that is consistent with Missouri law. This provision does not imply any requirement for the utility to file actual rate cases or for the commission to accord any particular ratemaking treatment to actual costs incurred by the utility;

(C) The modeling procedure shall include a method to ensure that the impact of changes in electric rates on future levels of demand for electric service is accounted for in the analysis; and

(D) The modeling procedure shall treat supply-side and demand-side resources on a logically consistent and economically equivalent basis. This means that the same types or categories of costs, benefits and risks shall be considered, and that these factors shall be quantified at a similar level of detail and precision for all resource types.

(5) *Analysis of Load-Building Programs.* If the utility intends to continue existing load-building programs or implement new ones, it shall analyze these programs in the context of one (1) or more of the alternative plans developed pursuant to section (3) of this rule, including the preferred resource plan selected pursuant to 4 CSR 240-22.070(6). This analysis shall use the same modeling procedure and assumptions described in section (4) and shall include the following elements:

(A) Estimation of the impact of load-building programs on the electric utility's summer and winter peak demands and energy usage;

(B) A comparison of annual average rates in each year of the planning horizon for the resource plan with and without the load-building program;

(C) A comparison of the probable environmental costs of the resource plan in each year of the planning horizon with and without the proposed load-building program; and

(D) An assessment of any other aspects of the proposed load-building programs that affect the public interest.

(6) *Reporting Requirements.* To demonstrate compliance with the provisions of this rule, and pursuant to the requirements of 4 CSR 240-22.080, the utility shall prepare a report that contains at least the following information:

(A) A description of each alternative resource plan including the type and size of each resource addition and a listing of the sequence and schedule for retiring existing resources and acquiring each new resource addition;

(B) A summary tabulation that shows the performance of each alternative resource plan as measured by each of the measures specified in section (2) of this rule;

(C) For each alternative resource plan, a plot of each of the following over the planning horizon:

1. The combined impact of all demand-side resources on the base-case forecast of summer and winter peak demands;

2. The composition, by program, of the capacity provided by demand-side resources;

3. The composition, by supply resource, of the capaci-

ty (including reserve margin) provided by supply resources. Existing supply-side resources may be shown as a single resource;

4. The combined impact of all demand-side resources on the base-case forecast of annual energy requirements;

5. The composition, by program, of the annual energy provided by demand-side resources;

6. The composition, by supply resource, of the annual energy (including losses) provided by supply resources. Existing supply-side resources may be shown as a single resource;

7. The values of the three (3) measures of financial condition identified in subsection (4)(A);

8. Annual average rates;

9. Annual emissions of each environmental pollutant identified pursuant to 4 CSR 240-22.040(2)(B)1; and

10. Annual probable environmental costs.

(D) A discussion of how the impacts of rate changes on future electric loads were modeled and how the appropriate estimates of price elasticity were obtained;

(E) A description of the computer models used in the analysis of alternative resource plans; and

(F) A description of any proposed load-building programs, a discussion of why these programs are judged to be in the public interest and, for all resource plans that include these programs, plots of the following over the planning horizon:

1. Annual average rates with and without the load-building programs; and

2. Annual utility costs and probable environmental costs with and without the load-building programs.]

(C) The utility shall include in its development of alternative resource plans the impact of—

1. The potential retirement or life extension of existing generation plants;

2. The addition of equipment on generation plants to meet environmental requirements; and

3. The conclusion of any currently-implemented demand-side resources.

(D) The utility shall provide a description of each alternative resource plan including the type and size of each demand-side resource and supply-side resource addition and a listing of the sequence and schedule for the end of life of existing resources and for the acquisition of each new resource.

(4) *Analysis of Alternative Resource Plans.* The utility shall describe and document its assessment of the relative performance of the alternative resource plans by calculating for each plan the value of each performance measure specified pursuant to section (2). This calculation shall assume values for uncertain factors that are judged by utility decision-makers to be most likely. The analysis shall cover a planning horizon of at least twenty (20) years and shall be carried out on a year-by-year basis in order to assess the annual and cumulative impacts of alternative resource plans. The analysis shall be based on the assumption that rates will be adjusted annually, in a manner that is consistent with Missouri law. The analysis shall treat supply-side and demand-side resources on a logically-consistent and economically-equivalent basis, such that the same types or categories of costs, benefits, and risks shall be considered and such that these factors shall be quantified at a similar level of detail and precision for all resource types. The utility shall provide the following information:

(A) A summary tabulation that shows the performance of each alternative resource plan as measured by each of the measures specified in section (2) of this rule;

(B) For each alternative resource plan, a plot of each of the following over the planning horizon:

1. The combined impact of all demand-side resources on the

base-case forecast of summer and winter peak demands;

2. The composition, by program and rate, of the capacity provided by demand-side resources;

3. The composition, by supply-side resource, of the capacity at the customers' meters provided by supply-side resources. Existing supply-side resources may be shown as a single resource;

4. The combined impact of all demand-side resources on the base-case forecast of annual energy requirements;

5. The composition, by program and rate, of the annual energy provided by demand-side resources;

6. The composition, by supply-side resource, of the annual energy at the customer's meters provided by supply-side resources. Existing supply-side resources may be shown as a single resource;

7. Annual emissions of each environmental pollutant identified pursuant to 4 CSR 240-22.040(2)(B);

8. Annual probable environmental costs; and

9. Public and highly-confidential forms of the capacity balance spreadsheets completed in the specified format;

(C) The analysis of economic impact of alternative resource plans, calculated with and without utility financial incentives, shall provide comparative estimates for each year of the planning horizon—

1. For the following performance measures for each year:

A. Estimated annual revenue requirement;

B. Estimated annual average rates and impacts on retail rates; and

C. Estimated company financial ratios; and

2. If the estimated company financial ratios in subparagraph (4)(C)1.C. are below investment grade in any year of the planning horizon, a description of any changes in legal mandates and cost recovery mechanisms necessary for the utility to maintain an investment grade credit rating in each year of the planning horizon and the resulting performance measures in subparagraphs (4)(C)1.A.-(4)(C)1.C. of the alternative resource plans;

(D) A discussion of how the impacts of rate changes on future electric loads were modeled and how the appropriate estimates of price elasticity were obtained;

(E) A discussion of the incremental costs of implementing more renewable energy resources than required to comply with renewable energy legal mandates;

(F) A discussion of the incremental costs of implementing more energy efficiency resources than required to comply with energy efficiency legal mandates;

(G) A discussion of the incremental costs of implementing more energy resources than required to comply with any other energy resource legal mandates; and

(H) A description of the computer models used in the analysis of alternative resource plans.

(5) The utility shall describe and document its selection of the uncertain factors that are critical to the performance of the alternative resource plans. The utility shall consider at least the following uncertain factors:

(A) The range of future load growth represented by the low-case and high-case load forecasts;

(B) Future interest rate levels and other credit market conditions that can affect the utility's cost of capital and access to capital;

(C) Future changes in legal mandates;

(D) Relative real fuel prices;

(E) Siting and permitting costs and schedules for new generation and generation-related transmission facilities for the utility, for a regional transmission organization, and/or other transmission systems;

(F) Construction costs and schedules for new generation and generation-related transmission facilities for the utility, for a regional transmission organization, and/or other transmission

systems;

(G) Purchased power availability, terms, cost, optionality, and other benefits;

(H) Price of emission allowances, including at a minimum sulfur dioxide, carbon dioxide, and nitrogen oxides;

(I) Fixed operation and maintenance costs for new and existing generation facilities;

(J) Equivalent or full- and partial-forced-outage rates for new and existing generation facilities;

(K) Future load impacts of demand-side programs and demand-side rates;

(L) Utility marketing and delivery costs for demand-side programs and demand-side rates; and

(M) Any other uncertain factors that the utility determines may be critical to the performance of alternative resource plans.

(6) The utility shall describe and document its assessment of the impacts of critical uncertain factors on the expected performance of each of the alternative resource plans developed pursuant to 4 CSR 240-22.060(3) and analyze the risks associated with alternative resource plans. This assessment shall explicitly describe and document the probabilities that utility decision-makers assign to each critical uncertain factor.

(7) The utility decision-makers shall assign a probability pursuant to section (5) of this rule to each uncertain factor deemed critical by the utility. The utility shall compute the cumulative probability distribution of the values of each performance measure specified pursuant to 4 CSR 240-22.060(2). Both the expected performance and the risks of each alternative resource plan shall be quantified. The utility shall describe and document its risk assessment of each alternative resource plan.

(A) The expected performance of each resource plan shall be measured by the statistical expectation of the value of each performance measure.

(B) The risk associated with each resource plan shall be characterized by some measure of the dispersion of the probability distribution for each performance measure, such as the standard deviation or the values associated with specified percentiles of the distribution.

(C) The utility shall provide—

1. A discussion of the method the utility used to determine the cumulative probability—

A. An explanation of how the critical uncertain factors were identified, how the ranges of potential outcomes for each uncertain factor were determined and how the probabilities for each outcome were derived; and

B. Analyses supporting the utility's choice of ranges and probabilities for the uncertain factors;

2. Plots of the cumulative probability distribution of each distinct performance measure for each alternative resource plan;

3. For each performance measure, a table that shows the expected value and the risk of each alternative resource plan; and

4. A plot of the expected level of annual unserved hours for each alternative resource plan over the planning horizon.

AUTHORITY: sections 386.040, 386.250, [RSMo Supp. 1991] 386.610, and 393.140, RSMo [1986] 2000. Original rule filed June 12, 1992, effective May 6, 1993. Amended: Filed Oct. 25, 2010.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities thirty thousand dollars (\$30,000) in the aggregate.

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**FISCAL NOTE
PRIVATE COST**

- I. Department Title:** Missouri Department of Economic Development
Division Title: Missouri Public Service Commission
Chapter Title: Chapter 22 - Electric Utility Resource Planning

Rule Number and Title:	4 CSR 240-22.060 Integrated Resource Plan and Risk Analysis
Type of Rulemaking:	Rule Revision

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the first year cost of compliance with the rule by the affected entities:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities (years 2-4):
4	Investor-owned electric utilities	\$30,000	\$20,000

III. WORKSHEET

1. KCPL estimated a \$10,000 one time cost
2. Empire estimated \$120,000 for more consultant time
3. AmerenUE did not estimate a cost impact for these changes

II. ASSUMPTIONS

1. Costs supplied for KCPL are assumed to be for both KCP&L and KCP&L – Greater Missouri Operations Company (GMO).
2. Empire currently has consultants do this analysis. An increase in its consulting cost is not unreasonable.
3. Changes to filing frequency for Empire result in Empire having to meet the full rule requirements every six years instead of the current requirement of every 3 years. Therefore annual cost for Empire is estimated at \$120,000/6 or \$20,000
4. *Therefore, the estimated one time cost for the changes to this rule is \$10,000 and an annual cost of \$20,000.*

Editor's Note: The Dissent of Commissioner Jeff Davis to the Proposed Rulemakings Revising the Commission's Chapter 22 Electric Utility Resource Planning Rules follows 4 CSR 240-22.080 on page 1776 of this issue of the Missouri Register.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 22—Electric Utility Resource Planning**

PROPOSED AMENDMENT

4 CSR 240-22.070 [Risk Analysis and] Resource Acquisition Strategy Selection. The commission is amending the title and purpose statement, deleting sections (1)–(11), and adding new sections (1)–(9).

PURPOSE: This proposed amendment requires the utilities to select a preferred resource plan, develop an implementation plan, and officially adopt a resource acquisition strategy. The rule also requires the utility to prepare contingency plans and evaluate the demand-side resources that are included in the resource acquisition strategy.

PURPOSE: This rule requires the utility to [identify the critical uncertain factors that affect the performance of resource plans, establishes minimum standards for the methods used to assess the risks associated with these uncertainties and requires the utility to specify] select a preferred resource plan, develop an implementation plan, and officially adopt a resource acquisition strategy. The rule also requires the utility to prepare contingency plans and evaluate the demand-side resources that are included in the resource acquisition strategy.

[(1) The utility shall use the methods of formal decision analysis to assess the impacts of critical uncertain factors on the expected performance of each of the alternative resource plans developed pursuant to 4 CSR 240-22.060(3), to analyze the risks associated with alternative resource plans, to quantify the value of better information concerning the critical uncertain factors and to explicitly state and document the subjective probabilities that utility decision-makers assign to each of these uncertain factors. This assessment shall include a decision-tree representation of the key decisions and uncertainties associated with each alternative resource plan.

(2) Before developing a detailed decision-tree representation of each resource plan, the utility shall conduct a preliminary sensitivity analysis to identify the uncertain factors that are critical to the performance of the resource plan. This analysis shall assess at least the following uncertain factors:

- (A) The range of future load growth represented by the low-case and high-case load forecasts;*
- (B) Future interest rate levels and other credit market conditions that can affect the utility's cost of capital;*
- (C) Future changes in environmental laws, regulations or standards;*
- (D) Relative real fuel prices;*
- (E) Siting and permitting costs and schedules for new generation and generation-related transmission facilities;*
- (F) Construction costs and schedules for new generation and transmission facilities;*
- (G) Purchased power availability, terms and cost;*
- (H) Sulfur dioxide emission allowance prices;*
- (I) Fixed operation and maintenance costs for existing generation facilities;*
- (J) Equivalent or full- and partial-forced-outage rates for*

new and existing generation facilities;

(K) Future load impacts of demand-side programs; and

(L) Utility marketing and delivery costs for demand-side programs.

(3) For each alternative resource plan, the utility shall construct a decision-tree diagram that appropriately represents the key resource decisions and critical uncertain factors that affect the performance of the resource plan.

(4) The decision-tree diagram for all alternative resource plans shall include at least two (2) chance nodes for load growth uncertainty over consecutive subintervals of the planning horizon. The first of these subintervals shall be not more than ten (10) years long.

(5) The utility shall use the decision-tree formulation to compute the cumulative probability distribution of the values of each performance measure specified pursuant to 4 CSR 240-22.060(2), contingent upon the identified uncertain factors and associated subjective probabilities assigned by utility decision-makers pursuant to section (1) of this rule. Both the expected performance and the risks of each alternative resource plan shall be quantified.

(A) The expected performance of each resource plan shall be measured by the statistical expectation of the value of each performance measure.

(B) The risk associated with each resource plan shall be characterized by some measure of the dispersion of the probability distribution for each performance measure, such as the standard deviation or the values associated with specified percentiles of the distribution.

(6) The utility shall select a preferred resource plan from among the alternative plans that have been analyzed pursuant to the requirements of 4 CSR 240-22.060 and sections (1)–(5) of this rule. The preferred resource plan shall satisfy at least the following conditions:

(A) In the judgment of utility decision-makers, the preferred plan shall strike an appropriate balance between the various planning objectives specified in 4 CSR 240-22.010(2); and

(B) The trend of expected unserved hours for the preferred resource plan must not indicate a consistent increase in the need for emergency imported power over the planning horizon.

(7) The impact of the preferred resource plan on future requirements for emergency imported power shall be explicitly modeled and quantified. The requirement for emergency imported power shall be measured by expected unserved hours under normal-weather load conditions.

(A) The daily normal-weather series used to develop normal-weather loads shall contain a representative amount of day-to-day temperature variation. Both the high and low extreme values of daily normal-weather variables shall be consistent with the historical average of annual extreme temperatures.

(B) The supply-system simulation software used to calculate expected unserved hours shall be capable of accurately representing at least the following aspects of system operations:

1. Chronological dispatch, including unit commitment decisions that are consistent with the operational characteristics and constraints of all system resources;

2. Heat rates, fuel costs, variable operation and maintenance costs, and sulfur dioxide emission allowance costs for each generating unit;

3. Scheduled maintenance outages for each generating unit;

4. Partial- and full-forced-outage rates for each generating unit; and

5. Capacity and energy purchases and sales, including the full spectrum of possibilities, from long-term firm contracts or unit participation agreements to hourly economy transactions.

A. The utility shall maintain the capability to model purchases and sales of energy both with and without the inclusion of sulfur dioxide emission allowances.

B. The level of energy sales and purchases shall be consistent with forecasts of the utility's own production costs as compared to the forecasted production costs of other likely participants in the bulk power market; and

(C) The utility may use an alternative method of calculating expected unserved hours per year if it can demonstrate that the alternative method produces results that are equivalent to those obtained by a method that meets the requirements of subsection (7)(B).

(8) The utility shall quantify the expected value of better information concerning at least the critical uncertain factors that affect the performance of the preferred resource plan, as measured by the present value of utility revenue requirements.

(9) The utility shall develop an implementation plan that specifies the major tasks and schedules necessary to implement the preferred resource plan over the implementation period. The implementation plan shall contain:

(A) A schedule and description of ongoing and planned research activities to update and improve the quality of data used in load analysis and forecasting;

(B) A schedule and description of ongoing and planned demand-side programs, program evaluations and research activities;

(C) A schedule and description of all supply-side resource acquisition and construction activities; and

(D) Identification of critical paths and major milestones for each resource acquisition project, including decision points for committing to major expenditures.

(10) The utility shall develop, document and officially adopt a resource acquisition strategy. This means that the utility's resource acquisition strategy shall be formally approved by the board of directors, a committee of senior management, an officer of the company or other responsible party who has been duly delegated the authority to commit the utility to the course of action described in the resource acquisition strategy. The officially adopted resource acquisition strategy shall consist of the following components:

(A) A preferred resource plan selected pursuant to the requirements of section (6) of this rule;

(B) An implementation plan developed pursuant to the requirements of section (9) of this rule;

(C) A specification of the ranges or combinations of outcomes for the critical uncertain factors that define the limits within which the preferred resource plan is judged to be appropriate and an explanation of how these limits were determined;

(D) A set of contingency options that are judged to be appropriate responses to extreme outcomes of the critical uncertain factors and an explanation of why these options are judged to be appropriate responses to the specified outcomes; and

(E) A process for monitoring the critical uncertain factors on a continuous basis and reporting significant changes in a timely fashion to those managers or officers who have the

authority to direct the implementation of contingency options when the specified limits for uncertain factors are exceeded.

(11) Reporting Requirements. To demonstrate compliance with the provisions of this rule, and pursuant to the requirements of 4 CSR 240-22.080, the utility shall furnish at least the following information:

(A) A decision-tree diagram for each of the alternative resource plans along with narrative discussions of the following aspects of the decision analysis:

1. A discussion of the sequence and timing of the decisions represented by decision nodes in the decision tree and a description of the specific decision alternatives considered at each decision point; and

2. An explanation of how the critical uncertain factors were identified, how the ranges of potential outcomes for each uncertain factor were determined and how the subjective probabilities for each outcome were derived;

(B) Plots of the cumulative probability distribution of each performance measure for each alternative resource plan;

(C) For each performance measure, a table that shows the expected value and the risk of each resource plan;

(D) A plot of the expected level of annual unserved hours for the preferred resource plan over the planning horizon;

(E) A discussion of the analysis of the value of better information required by section (8), a tabulation of the key quantitative results of that analysis and a discussion of how those findings will be incorporated in ongoing research activities;

(F) A discussion of the process used to select the preferred resource plan, including the relative weights given to the various performance measures and the rationale used by utility decision-makers to judge the appropriate tradeoffs between competing planning objectives and between expected performance and risk; and

(G) The fully documented resource acquisition strategy that has been developed and officially adopted pursuant to the requirements of section (10) of this rule.]

(1) The utility shall select a preferred resource plan from among the alternative resource plans that have been analyzed pursuant to the requirements of 4 CSR 240-22.060. The utility shall describe and document the process used to select the preferred resource plan, including the relative weights given to the various performance measures and the rationale used by utility decision-makers to judge the appropriate tradeoffs between competing planning objectives and between expected performance and risk. The utility shall provide the names, titles, and roles of the utility decision-makers in the preferred resource plan selection process. The preferred resource plan shall satisfy at least the following conditions:

(A) In the judgment of utility decision-makers, strike an appropriate balance between the various planning objectives specified in 4 CSR 240-22.010(2);

(B) Invest in advanced transmission and distribution technologies unless, in the judgment of the utility decision-makers, investing in those technologies to upgrade transmission and/or distribution networks is not in the public interest;

(C) Utilize demand-side resources to the maximum amount that comply with legal mandates and, in the judgment of the utility decision-makers, are consistent with the public interest and achieve state energy policies; and

(D) In the judgment of the utility decision-makers, the preferred plan, in conjunction with the deployment of emergency demand response measures and access to short-term and emergency power supplies, has sufficient resources to serve load forecasted under extreme weather conditions pursuant to 4 CSR 240-22.030(8)(B) for the implementation period. If the utility cannot

affirm the sufficiency of resources, it shall consider an alternative resource plan or modifications to its preferred resource plan that can meet extreme weather conditions.

(2) The utility shall specify the ranges or combinations of outcomes for the critical uncertain factors that define the limits within which the preferred resource plan is judged to be appropriate and explain how these limits were determined. The utility shall also describe and document its assessment of whether, and under what circumstances, other uncertain factors associated with the preferred resource plan could materially affect the performance of the preferred resource plan relative to alternative resource plans.

(3) The utility shall describe and document its quantification of the expected value of better information concerning at least the critical uncertain factors that affect the performance of the preferred resource plan, as measured by the present value of utility revenue requirements. The utility shall provide a tabulation of the key quantitative results of that analysis and a discussion of how those findings will be incorporated in ongoing research activities.

(4) The utility shall describe and document its contingency resource plans in preparation for the possibility that the preferred resource plan should cease to be appropriate, whether due to the limits identified pursuant to 4 CSR 240-22.070(2) being exceeded or for any other reason.

(A) The utility shall identify as contingency resource plans those alternative resource plans that become preferred if the critical uncertain factors exceed the limits developed pursuant to section (2).

(B) The utility shall develop a process to pick among alternative resource plans, or to revise the alternative resource plans as necessary, to help ensure reliable and low cost service should the preferred resource plan no longer be appropriate for any reason. The utility may also use this process to confirm the viability of a contingency resource plans identified pursuant to subsection (4)(A).

(C) Each contingency resource plan shall satisfy the fundamental objectives in 4 CSR 240-22.010(2) and the specific requirements pursuant to 4 CSR 240-22.070(1).

(5) **Analysis of Load-Building Programs.** If the utility intends to continue existing load-building programs or implement new ones, it shall analyze these programs in the context of one (1) or more of the alternative resource plans developed pursuant to 4 CSR 240-22.060(3) of this rule, including the preferred resource plan selected pursuant to 4 CSR 240-22.070(1). This analysis shall use the same modeling procedure and assumptions described in 4 CSR 240-22.060(4). The utility shall describe and document—

(A) Its analysis of load building programs, including the following elements:

1. Estimation of the impact of load-building programs on the electric utility's summer and winter peak demands and energy usage;

2. A comparison of annual average rates in each year of the planning horizon for the resource plan(s) with and without the load-building program;

3. A comparison of the probable environmental costs of the resource plan(s) in each year of the planning horizon with and without the proposed load-building program;

4. A calculation of the performance measures and risk by year; and

5. An assessment of any other aspects of the proposed load-building programs that affect the public interest; and

(B) All current and proposed load-building programs, a discussion of why these programs are judged to be in the public

interest, and, for all resource plans that include these programs, plots of the following over the planning horizon:

1. Annual average rates with and without the load-building programs; and

2. Annual utility costs and probable environmental costs with and without the load-building programs.

(6) The utility shall develop an implementation plan that specifies the major tasks, schedules, and milestones necessary to implement the preferred resource plan over the implementation period. The utility shall describe and document its implementation plan, which shall contain—

(A) A schedule and description of ongoing and planned research activities to update and improve the quality of data used in load analysis and forecasting;

(B) A schedule and description of ongoing and planned demand-side programs and demand-side rates, evaluations, and research activities to improve the quality of demand-side resources;

(C) A schedule and description of all supply-side resource research, engineering, retirement, acquisition, and construction activities, including research to meet expected environmental regulations;

(D) Identification of critical paths and major milestones for implementation of each demand-side resource and each supply-side resource, including decision points for committing to major expenditures;

(E) A description of adequate competitive procurement policies to be used in the acquisition and development of supply-side resources;

(F) A process for monitoring the critical uncertain factors on a continuous basis and reporting significant changes in a timely fashion to those managers or officers who have the authority to direct the implementation of contingency resource plans when the specified limits for uncertain factors are exceeded; and

(G) A process for monitoring the progress made implementing the preferred resource plan in accordance with the schedules and milestones set out in the implementation plan and for reporting significant deviations in a timely fashion to those managers or officers who have the authority to initiate corrective actions to ensure the resources are implemented as scheduled.

(7) The utility shall develop, describe and document, officially adopt, and implement a resource acquisition strategy. This means that the utility's resource acquisition strategy shall be formally approved by an officer of the utility who has been duly delegated the authority to commit the utility to the course of action described in the resource acquisition strategy. The officially adopted resource acquisition strategy shall consist of the following components:

(A) A preferred resource plan selected pursuant to the requirements of section (1) of this rule;

(B) An implementation plan developed pursuant to the requirements of section (6) of this rule; and

(C) A set of contingency resource plans developed pursuant to the requirements of section (4) of this rule and the point at which the critical uncertain factors would trigger the utility to move to each contingency resource plan as the preferred resource plan.

(8) **Evaluation of Demand-Side Programs and Demand-Side Rates.** The utility shall describe and document its evaluation plans for all demand-side programs and demand-side rates that are included in the preferred resource plan selected pursuant to 4 CSR 240-22.070(1). The evaluation plans for each program and rate shall be developed before the program or rate is implemented and shall be filed with the tariff application for the program or rate. The purpose of these evaluations shall be to develop the information necessary to improve the design of existing and

future demand-side programs and demand-side rates, to improve the forecasts of customer energy consumption and responsiveness to demand-side programs and demand-side rates, and to gather data on the implementation costs and load impacts of demand-side programs and demand-side rates for use in cost-effectiveness screening and integrated resource analysis.

(A) Process Evaluation. Each demand-side program and demand-side rate that is part of the utility's preferred resource plan shall be subjected to an ongoing evaluation process which addresses at least the following questions about program design.

1. What are the primary market imperfections that are common to the target market segment?
2. Is the target market segment appropriately defined, or should it be further subdivided or merged with other market segments?
3. Does the mix of end-use measures included in the program appropriately reflect the diversity of end-use energy service needs and existing end-use technologies within the target market segment?
4. Are the communication channels and delivery mechanisms appropriate for the target market segment?
5. What can be done to more effectively overcome the identified market imperfections and to increase the rate of customer acceptance and implementation of each end-use measure included in the program?

(B) Impact Evaluation. The utility shall develop methods of estimating the actual load impacts of each demand-side program and demand-side rate included in the utility's preferred resource plan to a reasonable degree of accuracy.

1. Impact evaluation methods. At a minimum, comparisons of one (1) or both of the following types shall be used to measure program and rate impacts in a manner that is based on sound statistical principles:

A. Comparisons of pre-adoption and post-adoption loads of program or rate participants, corrected for the effects of weather and other intertemporal differences; and

B. Comparisons between program and rate participants' loads and those of an appropriate control group over the same time period.

2. The utility shall develop load-impact measurement protocols that are designed to make the most cost-effective use of the following types of measurements, either individually or in combination:

A. Monthly billing data, load research data, end-use load metered data, building and equipment simulation models, and survey responses; or

B. Audit data on appliance and equipment type, size and efficiency levels, household or business characteristics, or energy-related building characteristics.

(C) The utility shall develop protocols to collect data regarding demand-side program and demand-side rate market potential, participation rates, utility costs, participant costs, and total costs.

(9) If, during the implementation period, a preferred resource plan is replaced by a contingency resource plan as a result of the limits of one (1) or more of the critical uncertain factors being exceeded, or for some other reason, the utility shall specify the ranges or combinations of outcomes for the critical uncertain factors that define the limits within which that contingency resource plan remains appropriate.

AUTHORITY: sections 386.040, 386.250, [RSMo Supp. 1991] 386.610, and 393.140, RSMo [1986] 2000. Original rule filed June 12, 1992, effective May 6, 1993. Amended: Filed Oct. 25, 2010.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Steven C. Reed, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before January 3, 2011, and should include a reference to Commission File No. EX-2010-0254. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/case-filing-information>. A public hearing regarding this proposed amendment is scheduled for January 6, 2011, at 9:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment and may be asked to respond to commission questions.*

SPECIAL NEEDS: *Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.*

Editor's Note: The Dissent of Commissioner Jeff Davis to the Proposed Rulemakings Revising the Commission's Chapter 22 Electric Utility Resource Planning Rules follows 4 CSR 240-22.080 on page 1776 of this issue of the Missouri Register.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 22—Electric Utility Resource Planning

PROPOSED AMENDMENT

4 CSR 240-22.080 Filing Schedule [and], Filing Requirements, and Stakeholder Process. The commission is amending the title and purpose statement, deleting sections (1)–(13), and adding new sections (1)–(17).

PURPOSE: *This proposed amendment sets out updated filing requirements and time lines. The rule requires annual filings by the utilities and includes a way for commissioners and other stakeholders to identify contemporary issues for the utilities to address in their annual filings.*

PURPOSE: *This rule specifies the requirements for electric utility filings to demonstrate compliance with the provisions of this chapter. The purpose of the compliance review required by this chapter is not commission approval of the substantive findings, determinations, or analyses contained in the filing. The purpose of the compliance review required by this chapter is to determine whether the utility's resource acquisition strategy meets the requirements [stated in 4 CSR 240-22.010(2)(A)–(C)] of chapter 22. This rule also establishes a mechanism for the utility to solicit and receive stakeholder input to its resource planning process.*

[(1) Each electric utility which sold more than one (1) million megawatt-hours to Missouri retail electric customers for calendar year 1991 shall make a filing with the commission every three (3) years that demonstrates compliance with the provisions of this chapter. The utility's filing shall include at least the following items:

(A) Letter of transmittal;

(B) Summary information and any press release related to the filing;

(C) Reports and information required by 4 CSR 240-22.030(8), 4 CSR 240-22.040(9), 4 CSR 240-22.050(11), 4 CSR 240-22.060(6) and 4 CSR 240-22.070(11);

(D) A narrative description and summary of the reports and information referred to in subsection (1)(C). The narrative shall specifically show that the resource acquisition strategy contained in the filing has been officially approved by the utility and that the methods used and the procedures followed by the utility in formulating the resource acquisition strategy comply with the provisions of this chapter;

(E) A request for a protective order from the commission if the utility seeks to protect anything contained in the filing as trade secrets, or as confidential or private technical, financial or business information; and

(F) Tariff sheets as required by 4 CSR 240-14.040(2) for demand-side programs that are promotional practices as defined by 4 CSR 240-14.010(6)(L).

(2) The electric utility's compliance filing may also include a request for nontraditional accounting procedures and information regarding any associated ratemaking treatment to be sought by the utility for demand-side resource costs. If the utility desires to make any such request, it must be made in the utility's compliance filing pursuant to this rule and not at some subsequent time. If the utility desires to continue any previously authorized nontraditional accounting procedures beyond the three (3)-year implementation period, it must request reauthorization in each subsequent filing pursuant to this rule. Any request for initial authorization or reauthorization of these nontraditional accounting procedures must—

(A) Be limited to specific demand-side programs that are included in the utility's implementation plan; and

(B) Include specific proposals that contain at least the following information:

1. An explanation of the specific form and mechanics of implementing the proposed accounting procedure and any associated ratemaking treatment to be sought;

2. A discussion of the rationale and justification of the need for a nontraditional treatment of these costs;

3. An explanation of how the specific proposal meets this need for nontraditional treatment; and

4. A quantitative comparison of the utility's estimated earnings over the three (3)-year implementation period with and without the proposed nontraditional accounting procedures and any associated ratemaking treatment to be sought.

(3) The electric utilities shall make their initial compliance filings on a staggered basis in order of decreasing size of gross annual Missouri operating revenues from retail electric sales for calendar year 1991. The electric utility with the largest gross annual Missouri operating revenues shall make its initial filing seven (7) months (December 1993) after the effective date of this chapter (May 5, 1993). The remaining electric utilities shall make their initial filings in successive increments of seven (7) months from the effective date of this chapter (May 5, 1993).

(4) The commission will establish a docket for the purpose of receiving the compliance filing of each affected electric utility. The commission will issue an order that establishes an intervention deadline, sets an early prehearing conference and provides for notice.

(5) The staff shall review each compliance filing required by this rule and shall file a report not later than one hundred

twenty (120) days after each utility's scheduled filing date that identifies any deficiencies in the electric utility's compliance with the provisions of this chapter, any major deficiencies in the methodologies or analyses required to be performed by this chapter and any other deficiencies which, in its limited review, the staff determines would cause the electric utility's resource acquisition strategy to fail to meet the requirements identified in 4 CSR 240-22.010(2)(A)–(C). If the staff's limited review finds no deficiencies, the staff shall state that in the report. A staff report that finds that an electric utility's filing is in compliance with this chapter shall not be construed as acceptance or agreement with the substantive findings, determinations or analysis contained in the electric utility's filing.

(6) Also within one hundred twenty (120) days after an electric utility's compliance filing pursuant to this rule, the office of public counsel and any intervenor may file a report or comments based on a limited review that identify any deficiencies in the electric utility's compliance with the provisions of this chapter, any deficiencies in the methodologies or analyses required to be performed by this chapter, and any other deficiencies which the public counsel or intervenor believes would cause the utility's resource acquisition strategy to fail to meet the requirements identified in 4 CSR 240-22.010(2)(A)–(C).

(7) All workpapers, documents, reports, data, computer model documentation, analysis, letters, memoranda, notes, test results, studies, recordings, transcriptions and any other supporting information relating to the filed resource acquisition strategy within the electric utility's or its contractors' possession, custody or control shall be preserved and made available in accordance with any protective order to the staff, public counsel and any intervenor for use in its review of the periodic filings required by this rule. Each electric utility shall retain at least one (1) copy of the officially adopted resource acquisition strategy and all supporting information for at least ten (10) years.

(8) If the staff, public counsel or any intervenor finds deficiencies, it shall work with the electric utility and the other parties to reach, within forty-five (45) days of the date that the report or comments were submitted, a joint agreement on a plan to remedy the identified deficiencies. If full agreement cannot be reached, this should be reported to the commission through a joint filing as soon as possible, but no later than forty-five (45) days after the date on which the report or comments were submitted. The joint filing should set out in a brief narrative description those areas on which agreement cannot be reached.

(9) If full agreement on remedying deficiencies is not reached, then within sixty (60) days from the date on which the staff, public counsel or any intervenor submitted a report or comments relating to the electric utility's compliance filing, the electric utility may file a response and the staff, public counsel and any intervenor may file comments in response to each other. The commission will issue an order which indicates on what items, if any, a hearing will be held and which establishes a procedural schedule.

(10) If the utility determines that circumstances have changed so that the preferred resource plan is no longer appropriate, either due to the limits identified pursuant to 4 CSR 240-22.070(10)(C) being exceeded or for other reasons, the utility, in writing, shall notify the commission within sixty (60) days of the utility's determination. If the utility decides to implement any of the contingency options identified pursuant to 4 CSR 240-22.070(10)(D), the utility shall

file for review in advance of its next regularly scheduled compliance filing a revised implementation plan.

(11) Upon written application, and after notice and an opportunity for hearing, the commission may waive or grant a variance from a provision of this chapter for good cause shown.

(A) The granting of a variance to one (1) electric utility which waives or otherwise affects the required compliance with a provision of this chapter does not constitute a waiver respecting, or otherwise affect, the required compliance of any other electric utility with a provision of these rules.

(B) The commission will not waive or grant a variance from this chapter in total.

(12) The commission may extend or reduce any of the time periods specified in this rule for good cause shown.

(13) The commission will issue an order which contains findings that the electric utility's filing pursuant to this rule either does or does not demonstrate compliance with the requirements of this chapter, and that the utility's resource acquisition strategy either does or does not meet the requirements stated in 4 CSR 240-22.010(2)(A)–(C), and which addresses any utility requests pursuant to section (2) for authorization or reauthorization of nontraditional accounting procedures for demand-side resource costs.]

(1) Each electric utility which sold more than one (1) million megawatt-hours to Missouri retail electric customers for calendar year 2009 shall make a filing with the commission every three (3) years on April 1. Companies submitting their triennial compliance filings on the same schedule may file them jointly. The electric utilities shall submit their triennial compliance filings on the following schedule:

(A) Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company, or their successors, on April 1, 2012, and every third year thereafter;

(B) The Empire District Electric Company, or its successor, on April 1, 2013, and every third year thereafter; and

(C) Union Electric Company d/b/a Ameren Missouri, or its successor, on April 1, 2014, and every third year thereafter.

(2) The utility's triennial compliance filings shall demonstrate compliance with the provisions of this chapter and shall include at least the following items:

(A) Letter of transmittal expressing commitment to the approved preferred resource plan and resource acquisition strategy and signed by an officer of the utility having the authority to bind and commit the utility to the resource acquisition strategy;

(B) If the preferred resource plan is inconsistent with the utility's business plan, an explanation of the differences and why the differences exist;

(C) Technical volume(s) that fully describe and document the utility's analysis and decisions in selecting its preferred resource plan and resource acquisition strategy.

1. The technical volume(s) shall include all documentation and information specified in 4 CSR 240-22.030–4 CSR 240-22.070 and any other information considered by the utility to analyze and select its resource acquisition strategy.

2. The technical volume(s) shall be organized by chapters corresponding to 4 CSR 240-22.030–4 CSR 240-22.070.

3. A separate chapter shall be designated in the technical volume(s) to address special contemporary issues pursuant to 4 CSR 240-22.080(4) and input from the stakeholder group pursuant to 4 CSR 240-22.080(5). The chapter shall identify the issues raised, how the utility addressed them, and where in the technical volumes(s) the reports, analyses, and all resulting actions are presented.

(D) The highly-confidential form of the capacity balance

spreadsheet completed in the specified format for the preferred resource plan and each candidate resource plan considered by the utility;

(E) An executive summary, separately bound and suitable for distribution to the public in paper and electronic formats. The executive summary shall be an informative non-technical description of the preferred resource plan and resource acquisition strategy. This document shall summarize the contents of the technical volume(s) and shall be organized by chapters corresponding to 4 CSR 240-22.030–4 CSR 240-22.070. The executive summary shall include:

1. A brief introduction describing the utility, its existing facilities, existing purchase power arrangements, existing demand-side programs, existing demand-side rates, and the purpose of the resource acquisition strategy;

2. For each major class and for the total of all major classes, the base load forecasts for peak demand and for energy for the planning horizon, with and without utility demand-side resources, and a listing of the economic and demographic assumptions associated with each base load forecast;

3. A summary of the preferred resource plan to meet expected energy service needs for the planning horizon, clearly showing the demand-side resources and supply-side resources (both renewable and non-renewable resources), including additions and retirements for each resource type;

4. Identification of critical uncertain factors affecting the preferred resource plan;

5. For existing legal mandates and approved cost recovery mechanisms, the following performance measures of the preferred resource plan for each year of the planning horizon:

A. Estimated annual revenue requirement;

B. Estimated impact on retail rates; and

C. Estimated company financial ratios;

6. If the estimated company financial ratios in subparagraph (2)(E)5.C. of this rule are below investment grade in any year of the planning horizon, a description of any changes in legal mandates and cost recovery mechanisms necessary for the utility to maintain an investment grade credit rating in each year of the planning horizon and the resulting performance measures of the preferred resource plan;

7. Actions and initiatives to implement the resource acquisition strategy prior to the next triennial compliance filing; and

8. A description of the major research projects and programs the utility will continue or commence during the implementation period; and

(F) Such other information or format as the commission may determine.

(3) Beginning in 2012, on or about April 1 of every year in which the utility is not required to submit a triennial compliance filing, each electric utility shall host an annual update workshop with the stakeholder group. The utility at its discretion may host additional update workshops when conditions warrant. Any additional update workshops shall follow the same procedures as the annual update workshop.

(A) The purpose of the annual update workshop is to ensure that members of the stakeholder group have the opportunity to provide input and to stay informed regarding the—

1. Utility's current preferred resource plan;

2. Status of the identified critical uncertain factors;

3. Utility's progress in implementing the resource acquisition strategy;

4. Analyses and conclusions regarding any special contemporary issues that may have been identified pursuant to 4 CSR 240-22.080(4);

5. Resolution of any deficiencies or concerns pursuant to 4 CSR 240-22.080(16); and

6. Changing conditions generally.

(B) The utility shall prepare an annual update report with both a public version and a highly-confidential version to document the information presented at the annual update workshop and shall file the annual update reports with the commission no less than twenty (20) days prior to the annual update workshop. The depth and detail of the annual update report shall generally be commensurate with the magnitude and significance of the changing conditions since the last filed triennial compliance filing or annual update filing. If the current resource acquisition strategy has changed from that contained in the most-recently-filed triennial compliance filing or annual update filing, the annual update report shall describe the changes and provide updated capacity balance spreadsheets required pursuant to 4 CSR 240-22.080(2)(D). If the current resource acquisition strategy has not changed, the annual update report shall explicitly verify that the current resource acquisition strategy is the same as that contained in the most-recently-filed triennial compliance filing or annual update filing.

(C) The utility shall prepare a summary report that shall list and describe any action items resulting from the workshop to be undertaken by the utility prior to next triennial compliance filing or annual update filing. The summary shall be filed within ten (10) days following the workshop. If there are no changes as a result of the workshop, the utility is required to file a notice that it will not be making any changes to its annual update report.

(D) Stakeholders may file comments with the commission concerning the utility's annual update report and summary report within thirty (30) days of the utility's filing of the summary report.

(4) It is the responsibility of each utility to keep abreast of evolving electric resource planning issues and to consider and analyze these issues in a timely manner in the triennial compliance filings and annual update reports. An order containing a list of special contemporary issues shall be issued by the commission for each utility to analyze and document in its next triennial compliance filing or next annual update report. The purpose of the special contemporary issues lists is to ensure that evolving regulatory, economic, financial, environmental, energy, technical, or customer issues are adequately addressed by each utility in its electric resource planning. Each special contemporary issues list will identify new and evolving issues but may also include other issues such as unresolved deficiencies or concerns from the preceding triennial compliance filing. To develop the list of special contemporary issues—

(A) No later than September 15, staff, public counsel, and parties to the last triennial compliance filing of each utility may file suggested special contemporary issues for each utility to consider;

(B) Not later than October 1, the utilities, staff, public counsel, and parties to the last triennial compliance filings may file comments regarding the special contemporary issues filed on September 15; and

(C) No later than November 1, an order containing a list of special contemporary issues shall be issued by the commission for each utility to analyze and document in its next triennial compliance filing or annual update report. The commission shall not be limited to only the filed suggested special contemporary issues. If the commission determines that there are no special contemporary issues for a utility to analyze, an order shall be issued by the commission stating that there are no special contemporary issues.

(5) Each electric utility shall convene a stakeholder group to provide the opportunity for public input into electric utility resource planning in a timely manner that may affect the outcome of the utility resource planning efforts. The utility may choose to not incorporate some, or all, of the stakeholder group input in its analysis and decision-making for the triennial compliance filing.

(A) The utility shall convene at least one (1) meeting of the stakeholder group prior to the triennial compliance plan filing to present a draft of the triennial compliance filing corresponding 4 CSR 240-22.030–4 CSR 240-22.050 and to present an overview of its proposed alternative resource plans and intended procedures and analyses to meet the requirements of 4 CSR 240-22.060 and 4 CSR 240-22.070. The stakeholders shall make a good faith effort to provide comments on the information provided by the utility, to identify additional alternative resource plans, and to identify where the utility's analyses and intended approaches may not meet the objectives of the rules.

(B) Within thirty (30) days of the last stakeholder group meeting pursuant to subsection (5)(A) of this rule, any stakeholder may provide the utility and other stakeholders with a written statement summarizing any potential deficiencies in or concerns with the utility's proposed compliance with the electric resource planning rules. The utility has the opportunity to address the potential deficiencies or concerns identified by any stakeholder in its preparation of the triennial compliance filing.

(C) Any stakeholder input through the process described in section (5) of this rule does not preclude the stakeholder from filing reports in accordance with section (7) or (8) of this rule.

(6) The commission will establish dockets for the purpose of receiving the triennial compliance filings. Unless the commission specifies otherwise, the docket of the triennial compliance filing of each affected utility shall remain open to receive annual update reports including workshop summary reports, notifications of changes to the preferred plan, and other relevant documents submitted between triennial compliance filings. The commission will issue orders that establish an intervention deadline and provide for notice.

(7) The staff shall conduct a limited review of each triennial compliance filing required by this rule and shall file a report not later than one hundred twenty (120) days after each utility's scheduled triennial compliance filing date. The report shall identify any deficiencies in the electric utility's compliance with the provisions of this chapter, any major deficiencies in the methodologies or analyses required to be performed by this chapter, and any other deficiencies and shall provide at least one (1) suggested remedy for each identified deficiency. Staff may also identify concerns with the utility's triennial compliance filing and shall provide at least one (1) suggested remedy for each identified concern. Staff shall provide its workpapers related to each deficiency or concern to all parties within ten (10) days of the date its report is filed. If the staff's limited review finds no deficiencies or no concerns, the staff shall state that in the report. A staff report that finds that an electric utility's filing is in compliance with this chapter shall not be construed as acceptance or agreement with the substantive findings, determinations, or analysis contained in the electric utility's filing.

(8) Also within one hundred twenty (120) days after an electric utility's triennial compliance filing pursuant to this rule, the public counsel and any intervenor may file a report or comments. The report or comments, based on a limited review, may identify any deficiencies or concerns which the public counsel or intervenor believes could prevent the utility's resource acquisition plan from effectively fulfilling the objectives of the electric resource planning rules. Public counsel or intervenors shall provide at least one (1) suggested remedy for each identified deficiency or concern. Public counsel or any intervenor shall provide its workpapers related to each deficiency or concern to all parties within ten (10) days of the date its report is filed.

(9) If the staff, public counsel, or any intervenor finds deficiencies in or concerns with a triennial compliance filing, it shall

work with the electric utility and the other parties to reach, within forty-five (45) days of the date that the report or comments were submitted, a joint agreement on a plan to remedy the identified deficiencies and concerns. If full agreement cannot be reached, this should be reported to the commission through a joint filing as soon as possible but no later than forty-five (45) days after the date on which the report or comments were submitted. The joint filing should set out in a brief narrative description those areas on which agreement cannot be reached.

(10) If full agreement on remedying deficiencies or concerns is not reached, then, within sixty (60) days from the date on which the staff, public counsel, or any intervenor submitted a report or comments relating to the electric utility's triennial compliance filing, the electric utility may file a response and the staff, public counsel, and any intervenor may file comments in response to each other. The commission will issue an order which indicates on what items, if any, a hearing will be held and which establishes a procedural schedule.

(11) All workpapers, documents, reports, data, computer model documentation, analysis, letters, memoranda, notes, test results, studies, recordings, transcriptions, and any other supporting information relating to the filed resource acquisition strategy within the electric utility's or its contractors' possession, custody, or control shall be preserved and submitted within two (2) days of its triennial compliance or annual update filings in accordance with any protective order to the staff and public counsel, and to any intervenor within two (2) days of the intervenor signing and filing a confidentiality agreement, for use in its review of the periodic filings required by this rule. All information shall be labeled to reference the sections of the technical volumes(s) to which it is related, and all spreadsheets shall have all formulas intact. Each electric utility shall retain at least one (1) readable copy of the officially adopted resource acquisition strategy and all supporting information for at least the prior three (3) triennial compliance filings.

(12) If, between triennial compliance filings, the utility's business plan or acquisition strategy becomes materially inconsistent with the preferred resource plan, or if the utility determines that the preferred resource plan or acquisition strategy is no longer appropriate, either due to the limits identified pursuant to 4 CSR 240-22.070(2) being exceeded or for other reasons, the utility, in writing, shall notify the commission within sixty (60) days of the utility's determination. The notification shall include a description of all changes to the preferred plan and acquisition strategy, the impact of each change on the present value of revenue requirement, and all other performance measures specified in the last filing pursuant to 4 CSR 240-22.080 and the rationale for each change.

(A) If the utility decides to implement any of the contingency resource plans identified pursuant to 4 CSR 240-22.070(4), the utility shall file for review a revised resource acquisition strategy.

(B) If the utility decides to implement a resource plan not identified pursuant to 4 CSR 240-22.070(4) or changes its acquisition strategy, it shall give a detailed description of the revised resource plan or acquisition strategy and why none of the contingency resource plans identified in 4 CSR 240-22.070(4) were chosen.

(13) Upon written application made at least twelve (12) months prior to a triennial compliance filing, and after notice and an opportunity for hearing, the commission may waive or grant a variance from a provision of 4 CSR 240-22.030-4 CSR 240-22.070 for good cause shown.

(A) The granting of a variance to one (1) electric utility which waives or otherwise affects the required compliance with a provision of this chapter does not constitute a waiver respecting, or

otherwise affect, the required compliance of any other electric utility with a provision of these rules.

(B) The commission will not waive or grant a variance from this chapter in total.

(14) An electric utility which sells less than seven (7) million megawatt-hours to Missouri retail electric customers for the previous calendar year may apply for a waiver allowing it to conduct an annual update workshop pursuant to section (3) of this rule in place of its scheduled triennial compliance filing pursuant to section (1) of this rule, if the utility has no unresolved deficiencies or concerns from its prior triennial plan filing or annual update filing that materially affect its resource acquisition strategy. Upon written application made at least twelve (12) months prior to a triennial compliance filing, and after notice and an opportunity for hearing, the commission may allow the utility to conduct the annual update workshop process in lieu of submitting its triennial compliance filing. No more than one (1) such waiver may be granted consecutively between triennial compliance filings.

(15) The commission may extend or reduce any of the time periods specified in this rule for good cause shown.

(16) The commission will issue an order which contains its findings regarding at least one (1) of the following options:

(A) That the electric utility's filing pursuant to this rule either does or does not demonstrate compliance with the requirements of this chapter, and that the utility's resource acquisition strategy either does or does not meet the requirements stated in 4 CSR 240-22.

(B) That the commission approves or disapproves the joint filing on the remedies to the plan deficiencies or concerns developed pursuant to section (9) of this rule;

(C) That the commission understands that full agreement on remedying deficiencies or concerns is not reached and pursuant to section (10) of this rule, the commission will issue an order which indicates on what items, if any, a hearing(s) will be held and which establishes a procedural schedule; and

(D) That the commission establishes a procedural schedule for filings and a hearing(s), if necessary, to remedy deficiencies or concerns as specified by the commission.

(17) In all future cases before the commission which involve a requested action that is affected by electric utility resources, preferred resource plan, or resource acquisition strategy, the utility must certify that the requested action is substantially consistent with the preferred resource plan specified in the most recent triennial compliance filing or annual update report. If the requested action is not substantially consistent with the preferred resource plan, the utility shall provide a detailed explanation.

AUTHORITY: sections 386.040, 386.250, [RSMo Supp. 1991] 386.610, and 393.140, RSMo [1986] 2000. Original rule filed June 12, 1992, effective May 6, 1993. Amended: Filed Oct. 25, 2010.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities two hundred eighty-four thousand four hundred dollars (\$284,400) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Steven C. Reed, Secretary of the Commission, PO Box

360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before January 3, 2011, and should include a reference to Commission File No. EX-2010-0254. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/case-filing-information>. A public hearing regarding this proposed amendment is scheduled for January 6, 2011, at 9:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:** Missouri Department of Economic Development
Division Title: Missouri Public Service Commission
Chapter Title: Chapter 22 - Electric Utility Resource Planning

Rule Number and Title:	4 CSR 240-22.080 Filing Schedule, Filing Requirements and Stakeholder Process
Type of Rulemaking:	Rule Revision

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the first year cost of compliance with the rule by the affected entities:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities (years 2-4):
4	Investor-owned electric utilities	\$284,400	\$284,400

III. WORKSHEET

1. KCPL estimated an increase in additional labor due to this rule of \$79,400 and an annual cost for consultants of \$200,000.
2. Empire estimates an additional \$30,000 cost due to increase report writing
3. AmerenUE did not include any fiscal impact due to changes to this rule.

IV. ASSUMPTIONS

- The estimates given by KCPL are for both KCP&L and KCP&L Greater Missouri Operations Company. Annual cost for each utility is $(\$79,400 + \$200,000)/2$ or \$139,700.
- Changes to filing frequency for Empire result in Empire having to meet the full rule requirements every six years instead of the current requirement of every 3 years, annual cost for Empire is estimated at \$5,000
- *Therefore, the total cost for compliance with this proposed rule is estimated to be \$284,400.*

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of a Proposed Rulemaking)
Regarding Revision of the Commission's)
Chapter 22 Electric Utility Resource)
Planning Rules)
File No. EX-2010-0254

DISSENT OF COMMISSIONER JEFF DAVIS TO THE PROPOSED RULEMAKING REVISING THE COMMISSION'S CHAPTER 22 ELECTRIC UTILITY RESOURCE PLANNING RULES

I respectfully dissent from my colleagues' order to promulgate these rules as they are currently written.

Anyone who has ever been involved in the integrated resource planning (IRP) process knows these rules have desperately needed revision for years. It's taken a long time to get where we are. These rules are an improvement in some respects, but something important is missing: accountability for the Public Service Commission and the PSC Staff for any outcome in these IRP proceedings. It may seem like an antiquated note, but I think we need to take responsibility for the decisions we make – or in this case – fail to make.

Both the Missouri Energy Development Association (MEDA) and the Missouri Department of Natural Resources (MDNR) offered language whereby the Commission would at least "acknowledge" the utility's resource plan. "Acknowledgement" of the plan would enhance the process because it would force the parties and the staff to focus on outcomes as well as the process by which those outcomes were determined. After all, outcomes should be the purpose of the IRP process. More importantly, electric utilities could use the acknowledgement process to establish the prudence of making--or not making--certain large capital expenditures that are going to amount to billions of dollars over the next decade (e.g.

– whether to shut down and decommission one or more coal plants or to continue retrofitting all of them) before they get to a rate case and have to argue over imprudence or lack thereof.

Whether and how we address IRP decisions will definitely impact customer rates for years to come. Failing to act on the substance of IRPs constitutes a decision in and of itself. The Commission's failure sends a message of uncertainty to the utilities we regulate, their investors and Wall Street saying either "we want to be free to disavow your plan and disallow the expenses later" or "we are afraid to be criticized for acknowledging a plan that later failed."

Ultimately, our failure to address the substance of utility resource plans increases financing costs for capital investment projects as well as litigation costs in future rate cases because parties will litigate the issue in future cases and knowing the Commission may disallow expenses, lenders and investors will want higher returns. That uncertainty will assuredly cause Missouri investor-owned electric utilities to place the least possible amount of investment capital at risk short-term. This is important because the cheapest plan today will not likely be the cheapest plan over the next one to five years, and even less likely over the long-term (from 30 to 50 years). Thus, the ratepayers could end up paying higher rates long-term so the utility can consistently save a few dollars on the front end, or because the utility opted for cheaper, less reliable technology.

The importance of this issue is best illustrated by the decisions the Commission faces regarding our aging fleet of coal plants. In September, Wood Mackenzie's North American power research group issued a startling report that almost 60 gigawatts of coal-fired electric plants could be retired over the next decade. Independent verification of that estimate comes from Ellen Lapson, Managing Director of Corporate Ratings for Fitch Rating Agency. On

September 30, 2010, at the Financial Research Institute, Director Lapson said that Wood Mackenzie's number was a reasonable number. At least two Commissioners were present at that meeting.

The findings of the Wood Mackenzie report ought to send a shiver down the spine of everyone here at the PSC as well as anyone employed by a Missouri utility. More than 80% of the electricity consumed in this state is fueled by coal. Collectively, Missouri utilities probably own around 10,000 megawatts of coal-fired generation, if not more. Ameren Missouri is the largest Missouri utility and owns several thousand megawatts of coal-fired generation all by itself, but everyone including the utilities who've camouflaged themselves as being leaders in the green revolution have similar risks. So, when the Wall Street analysts say "Coal is in the crosshairs" they mean pretty much every Missouri utility, but especially Ameren because they own the most coal plants, and that ultimately every utility customer in the state is in the crosshairs. Each and every one of our investor-owned electric utilities is going to make significant investment decisions regarding the retirement or retrofitting of a large fleet of coal plants averaging more than 40 years or older as well as the addition of new resources to replace these retiring coal plants, meet growing demand and comply with government mandates for utilities to buy certain amounts of "renewable" electricity.

Presidents and governors don't punt and this Commission shouldn't punt either. Hundreds of millions, if not billions, of dollars are at stake when our electric utilities make these decisions and customer rates are hanging in the balance. We owe it to the ratepayers and to the utilities we regulate to be decisive and thereby meet this Commission's statutory obligation to assure safe and adequate service for consumers at a just and reasonable rate. It's silly and unconscionable to spend a couple of years working on more than 60 pages of

rules that force the utility to think of every scenario, to document how every calculation is made, to check to see if the work was performed correctly and then do nothing with such documents except hold them, waiting to whip them out on some unsuspecting utility executive for not following a plan we don't intend to make them follow until the day they deviate from it.

In conclusion, a Commission majority that has shown a willingness to micro-manage electric utilities by requiring them to undertake low-income assistance programs and make our utilities buy Missouri wind-generated electricity ought not have a problem "acknowledging" whether an electric utility's preferred resource plan seems like a good or a bad one.

Respectfully submitted,

A handwritten signature in blue ink that reads "Jeffrey N. Davis". The signature is written in a cursive, flowing style.

Jeff Davis, Commissioner

Dated at Jefferson City, Missouri
On this 25th day of October, 2010.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming**

PROPOSED AMENDMENT

11 CSR 45-5.130 Exchange of Chips and Tokens. The commission is amending sections (1)–(3), adding section (4) and subsection (7)(C), and renumbering the remaining sections.

PURPOSE: This amendment updates the rule to provide for the use of chips to be accepted as payment for food or beverages on the excursion gambling floor. Additionally, the Class A designation is being changed to Class B.

(1) Chips shall be issued to a person only at the request of that person and shall not be given as change in any other transaction. Chips shall be issued to riverboat patrons at cashier's cages, at the live gaming devices, or at stations adjacent to the gaming area if approved by the commission. Chips may be redeemed at cashier's cages *[or at stations adjacent to the gaming area if approved by the commission]*.

(2) Tokens shall only be issued upon the request of a patron from a cashier's cage[,] or from employees of the holder of a Class *[A/B]* license at the electronic gaming devices area *[or at stations adjacent to the gaming area if approved by the commission]*. Tokens may be redeemed at a cashier's cage *[or at stations adjacent to the gaming area if approved by the commission]*.

(3) Chips or tokens shall only be redeemed by a holder of a Class *[A/B]* license for its patrons and shall not be knowingly redeemed from any nonpatron source; provided, however, that nongaming employees of the riverboat may redeem chips or tokens they have received as gratuities.

(4) Value chips may be accepted from patrons as payment at face value for food or beverages purchased on the gaming floor. Any change due back to the patron shall be provided in cash or U.S. coin. All value chips accepted as payment for food or beverages shall be exchanged for cash at the cage or main bank during the same shift they were accepted as payment. Non-value (roulette) and tournament chips shall not be used for purposes other than wagering on approved gambling games. Currency transaction reporting requirements shall apply to any qualifying dollar value exchanges of value chips for products or services.

[(4)](5) Each riverboat shall promptly redeem its own chips and tokens by cash or by check dated the day of the redemption on an account of the riverboat as requested by the patron, except when the chips and tokens were obtained or used unlawfully.

[(5)](6) Each riverboat may demand the redemption of its chips or tokens from any person in possession of them and that person shall redeem the chips or tokens upon presentation of an equivalent amount of cash by the riverboat.

[(6)](7) No riverboat shall knowingly accept, exchange, use or redeem gaming chips or tokens issued by another riverboat.

[(7)](8) Each riverboat shall cause to be posted and remain posted in a prominent place—

(A) On the front of a cashier's cage, a sign that reads as follows—“Gaming chips issued by another riverboat may not be used, exchanged or redeemed on this riverboat”; *[and]*

(B) On electronic gaming device token redemption booths, a sign that reads—“Tokens issued by another riverboat may not be used, exchanged or redeemed on this riverboat.”; **and**

(C) Near each entrance to the casino floor, a sign that reads—“State law prohibits the use of gaming chips for purchases off the

gaming floor.”

AUTHORITY: sections 313.004 and 313.807, RSMo [Supp. 1997] 2000 and sections 313.805[,] and 313.817, RSMo [1994] Supp. 2010. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed Feb. 19, 1998, effective Aug. 30, 1998. Amended: Filed May 13, 1998, effective Jan. 30, 1999. Amended: Filed Oct. 22, 2010.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for January 5, 2011, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 7—Security and Surveillance**

PROPOSED AMENDMENT

11 CSR 45-7.070 Surveillance Logs. The commission is amending section (1) and deleting subsections (1)(A)–(C).

PURPOSE: This amendment removes the requirements for the logs which were duplicated in the rule. The requirements for the logs may be found in Chapter M of the Minimum Internal Control Standards.

(1) The licensee shall be required to maintain a security log of all surveillance activities in the casino surveillance room. The log shall be maintained by casino surveillance room personnel. Only casino surveillance room personnel shall be allowed in the casino surveillance room. The commission shall have access at all times to the logs. *[The log shall include the following:*

(A) All persons entering and exiting the casino surveillance room;

(B) Summary, including date, time and duration, of the surveillance; and

(C) Record of any equipment or camera malfunctions.]

AUTHORITY: sections 313.004 and 313.824, RSMo [1994] 2000 and sections 313.800[,] and 313.805, RSMo Supp. 2010. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed June 2, 1995, effective Dec. 30, 1995. Amended: Filed Oct. 22, 2010.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for January 5, 2011, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System**

PROPOSED RULE

11 CSR 45-9.102 Minimum Internal Control Standards (MICS)—Chapter B

PURPOSE: This rule establishes the internal controls for Chapter B of the *Minimum Internal Control Standards*.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here. The *Minimum Internal Control Standards* may also be accessed at <http://www.mgc.dps.mo.gov>.

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter B—Key Controls, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter B does not incorporate any subsequent amendments or additions as adopted by the commission on September 29, 2010.

AUTHORITY: section 313.004, RSMo 2000 and sections 313.800 and 313.805, RSMo Supp. 2010. Original rule filed Oct. 22, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for January 5, 2011, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System**

PROPOSED RULE

11 CSR 45-9.105 Minimum Internal Control Standards (MICS)—Chapter E

PURPOSE: This rule establishes the internal controls for Chapter E of the *Minimum Internal Control Standards*.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here. The *Minimum Internal Control Standards* may also be accessed at <http://www.mgc.dps.mo.gov>.

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter E—Electronic Gaming Devices (EGDs), which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter E does not incorporate any subsequent amendments or additions as adopted by the commission on September 29, 2010.

AUTHORITY: section 313.004, RSMo 2000 and sections 313.800 and 313.805, RSMo Supp. 2010. Original rule filed Oct. 22, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for January 5, 2011, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System**

PROPOSED RULE

11 CSR 45-9.119 Minimum Internal Control Standards (MICS)—Chapter S

PURPOSE: This rule establishes the internal controls for Chapter S of the *Minimum Internal Control Standards*.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here. The

Minimum Internal Control Standards may also be accessed at <http://www.mgc.dps.mo.gov>.

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter S—Management Information Systems, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter S does not incorporate any subsequent amendments or additions as adopted by the commission on September 29, 2010.

AUTHORITY: section 313.004, RSMo 2000 and sections 313.800 and 313.805, RSMo Supp. 2010. Original rule filed Oct. 22, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will cost six (6) casino corporate entities and two (2) manufacturer supplier entities between zero dollars (\$0) and one (1) million dollars to implement the new standards for this chapter. Data provided by the industry was used to quantify the cost associated with implementing the proposed standards. Initial cost estimates vary depending on the purchase cost of hardware and software, additional system development, and labor cost. Costs after the first year are estimated to range between zero dollars and one hundred fifty thousand dollars (\$0-\$150,000). A detailed fiscal note outlines these costs for each individual rule within the MICS Chapter S.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for January 5, 2011, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Missouri Department of Public Safety
Division Title: Missouri Gaming Commission
Chapter Title: 9 – Internal Control System**

Rule Number and Title:	11 CSR 45-9.119 Minimum Internal Control Standards – Chapter S (Management Information Systems)
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Six	Casino Corporate Entities* (6)	The chapter shown below consists of a series of rules, each of which has its own fiscal impact.
Two	Manufacturer Supplier Entities (2)	MICS, 2.07 Only – This rule will not cost a Manufacturer Supplier entity more than \$500 in the aggregate

*** Casino Corporate Entities – Missouri Class A licensees (Corporate) and their Missouri Class B licensee(s) (Riverboat Casinos) subsidiaries.**

III. WORKSHEET

Minimum Internal Control Standard (MICS), Ch. S (MIS):

2.07 – This rule will not cost a manufacturer supplier entity more than \$500 in the aggregate.

3.01 - This rule will not cost a casino corporate entity more than \$500 in the aggregate. It shall be pointed out however, that one entity estimated the cost at \$250,000, in one-time costs, with no recurring costs to implement. While it is not the intent of the Commission to refute the fiscal impact by the one entity, the fiscal note remains minimal because 5 of the 6 casino corporate entities indicated no cost to implement.

3.02 (A) - One-Time Cost: \$0 - \$10,000. Annual Recurring Cost: \$0

3 of 6 casino corporate entities indicate no cost to implement. Two of the remaining entities costs range from \$2,000 to \$10,000, with no annual recurring cost. The other entity submitted an amount of \$35,000, with an annual recurring cost of \$2,500. While it is not the intent of the Commission to refute the fiscal impact by the one corporate casino entity which submitted \$35,000, the fiscal note remains minimal because 5 of the 6 casino corporate entities indicated the cost to be no more than \$10,000.

3.02 (B) – One-Time Cost: \$0 - \$5,000. Annual Recurring Cost: \$0

3 of 6 casino corporate entities submitted a fiscal amount of \$0. The remaining entities submitted an amount from \$800 to \$5,000, with no annual recurring costs.

3.02 (D) – This rule will not cost a casino corporate entity more than \$500 in the aggregate. It shall be pointed out however, that one entity estimated the cost at \$45,000 in one-time costs, and \$5,000 in recurring costs. While it is not the intent of the Commission to refute the fiscal impact by the one entity, the fiscal note remains minimal because 5 of the 6 casino corporate entities indicated no cost to implement.

3.04 – This rule will not cost a casino corporate entity more than \$500 in the aggregate.

3.05 – One-Time Cost: \$0 - \$50,000. Annual Recurring Cost: \$0

This fiscal amount derives from the purchasing and installation of surveillance equipment for 5 of 6 casino corporate entities.

4.02 – One-Time Cost \$0 - \$100,000. Annual Recurring Cost: \$0

2 of 6 casino corporate entities indicate no cost to implement. The other entities submitted amounts of: \$31,250, \$70,000, \$80,000, and \$100,000, with no recurring cost. These entities stated the following would be required: 1) purchase additional hardware for network infrastructure; and/or 2) develop new Slot Accounting System (SAS) or Casino Management Systems (CMS) software that complies with this MICS.

4.03 – This rule will not cost a casino corporate entity more than \$500 in the aggregate. It shall be pointed out however, that one licensee estimated the cost at \$31,250, with no recurring costs to implement. While it is not the intent of the Commission to refute the fiscal impact by the one entity, the fiscal note remains minimal because 5 of the 6 casino corporate entities indicated no cost to implement.

4.05 – One-Time Cost: \$0 - \$1,000,000. Annual Recurring Cost: \$0 - \$150,000

3 of 6 casino corporate entities indicate no cost to implement. The other entities submitted amounts of: \$25,000, \$125,000, \$200,000, and \$1,000,000. The entity which submitted the amount of \$1,000,000, also submitted a recurring amount of \$150,000. These amounts are specific to each entity and shall be considered an independent business decision. These entities stated the following would be required: 1) purchase additional hardware for network infrastructure; and/or 2) develop new Slot Accounting System (SAS) or Casino Management Systems (CMS) software that complies with this MICS.

4.06 – One-Time Cost: \$0 - \$7,500. Annual Recurring Cost: \$0 - \$7,500

4 of 6 casino corporate entities submitted a fiscal amount of \$0. The remaining entities submitted amounts from \$1,560 to \$7,500, with annual recurring amounts from \$1,560 to \$7,500.

4.11 – One-Time Cost: \$0 - \$37,000. Annual Recurring Cost: \$0

4 of 6 casino corporate entities submitted a fiscal amount of \$0. The remaining entities submitted an amount from \$31,250 to \$37,000, with no annual recurring costs. These entities submitted costs specific to existing slot accounting system.

5.04 – This rule will not cost a casino corporate entity more than \$500 in the aggregate. It shall be pointed out however, that one entity estimated the cost at \$100,000, in one-time costs, and \$560 in recurring costs. While it is not the intent of the Commission to refute the fiscal impact by the one entity, the fiscal note remains minimal because 5 of the 6 casino corporate entities indicated no cost to implement.

5.05 – This rule will not cost a casino corporate entity more than \$500 in the aggregate.

6.04 – This rule will not cost a casino corporate entity more than \$500 in the aggregate.

8.02 - Annual Recurring Cost: \$0 - \$18,000

2 of 6 casino corporate entities submitted a fiscal amount of \$0. The other entities submitted annual recurring costs from \$0 - \$18,000. These entities submitted costs for additional storage and transporting back-up media to an offsite facility.

8.03 - This rule will not cost a casino corporate entity more than \$500 in the aggregate.

9.01 - This rule will not cost a casino corporate entity more than \$500 in the aggregate.

9.02 – Annual Recurring Cost: \$0 - \$10,000

3 of 6 casino corporate entities submitted a fiscal amount of \$0. The remaining entities submitted annual recurring costs from \$770 to \$10,000.

9.03 - This rule will not cost a casino corporate entity more than \$500 in the aggregate.

9.04 - This rule will not cost a casino corporate entity more than \$500 in the aggregate.

9.05 - This rule will not cost a casino corporate entity more than \$500 in the aggregate.

10.02 - This rule will not cost a casino corporate entity more than \$500 in the aggregate. It shall be pointed out however, that one entity estimated the cost at \$10,000 in one-time costs, with no recurring cost. While it is not the intent of the Commission to refute the fiscal impact by the one entity, the fiscal note remains minimal because 5 of the 6 casino corporate entities indicated no cost to implement.

10.05 - This rule will not cost a casino corporate entity more than \$500 in the aggregate.

12.01 - Annual Recurring Cost: \$0 - \$6,500

4 of 6 casino corporate entities submitted a fiscal amount of \$0. One entity submitted annual recurring costs of \$6,500. The other entity submitted an amount of \$75,000, with annual recurring cost of \$15,000. While it is not the intent of the Commission to refute the fiscal impact by the one corporate casino entity which submitted \$75,000, the fiscal note remains minimal because 5 of the 6 casino corporate entities indicated the cost to be no more than \$6,500. These fiscal amounts are to purchase additional hardware and software for existing network infrastructure (Two-Factor authentication software).

12.02 – Annual Recurring Cost: \$0 - \$5,000

4 of 6 casino corporate entities submitted a fiscal amount of \$0. The remaining entities submitted annual recurring costs from \$0 to \$5,000.

13.01 – This rule will not cost a casino corporate entity more than \$500 in the aggregate. It shall be pointed out however, that one entity estimated \$45,000 of annual recurring cost. While it is not the intent of the Commission to refute the fiscal impact by the one entity, the fiscal note remains minimal because 5 of the 6 casino corporate entities indicated no cost to implement.

13.02 – This rule will not cost a casino corporate entity more than \$500 in the aggregate. It shall be pointed out however, that one entity estimated \$70,000 of annual recurring cost. While it is not the intent of the Commission to refute the fiscal impact by the one entity, the fiscal note remains minimal because 5 of the 6 casino corporate entities indicated no cost to implement.

14.01 – This rule will not cost a casino corporate entity more than \$500 in the aggregate. It shall be pointed out however, that one entity estimated \$25,000 of annual recurring cost. While it is not the intent of the Commission to refute the fiscal impact by the one entity, the fiscal note remains minimal because 5 of the 6 casino corporate entities indicated no cost to implement.

16.01 – One-Time Cost: \$25,000 - \$50,000.

4 of 6 corporate casino entities submitted fiscal amount from \$25,000 to \$50,000, with no annual recurring costs. The other 2 entities provided a fiscal amount of \$0, which in the opinion of the review is not accurate. These two entities will be required to comply with this MICS, all cost will be payable by the entity.

17.05 – This rule will not cost a casino corporate entity more than \$500 in the aggregate. It shall be pointed out however, that one entity estimated the cost at 31,250, in one-time costs, with no recurring costs to implement. While it is not the intent of the Commission to refute the fiscal impact by the one entity, the fiscal note remains minimal because 5 of the 6 casino corporate entities indicated no cost to implement.

17.06 – This rule will not cost a casino corporate entity more than \$500 in the aggregate. It shall be pointed out however, that one entity estimated the cost at 50,000, in one-time costs, and \$5,000 in recurring costs. While it is not the intent of the Commission to refute the fiscal impact by the one entity, the fiscal note remains minimal because 5 of the 6 casino corporate entities indicated no cost to implement.

17.07 – This rule will not cost a casino corporate entity more than \$500 in the aggregate. It shall be pointed out however, that one entity estimated the cost at 50,000, in one-time costs, and \$5,000 in recurring costs. While it is not the intent of the Commission to refute the fiscal impact by the one entity, the fiscal note remains minimal because 5 of the 6 casino corporate entities indicated no cost to implement.

17.10 – This rule will not cost a casino corporate entity more than \$500 in the aggregate. It shall be pointed out however, that one entity estimated the cost at 50,000, in one-time costs, and \$5,000 in recurring costs. While it is not the intent of the Commission to refute the fiscal impact by the one entity, the fiscal note remains minimal because 5 of the 6 casino corporate entities indicated no cost to implement.

FISCAL NOTE OVERVIEW

This fiscal note represents all data submitted to the MGC from each Missouri corporate casino entity. MICS, Ch. S, has been drafted to meet existing information technology industry standards, such as:

- 1) Gaming Laboratories International, Inc. (GLI) – 27, Gaming Industry Network Security Best Practices. Please note that GLI is the MGC licensed independent testing laboratory.
- 2) Payment Card Industry (PCI)
- 3) National Institute of Standards and Technology (NIST)

To alleviate the initial cost to comply with MICS, Ch. S, the MGC has allotted three years, from the date Ch. S is formally published by the Secretary of State, for the entities to budget, plan, develop, and implement any necessary changes.

IV. ASSUMPTIONS

All referenced quantitative data has been submitted to the Missouri Gaming Commission (MGC) by each Missouri licensee. Each Minimum Internal Control Standard (MICS), with an associated fiscal amount, has been independently referenced within the “WORKSHEET” section of this fiscal note. MICS not referenced are assumed to have zero fiscal impact for all entities, based on the information provided to the MGC.

Please note that each proposed MICS, Ch. S, applies to each entity differently. Factors such as the existing Slot Account and Casino Management System, number of Electronic Gaming Devices (EGDs) on the casino floor, and existing network architecture shall be considered and independently referenced.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System**

PROPOSED RULE

11 CSR 45-9.121 Minimum Internal Control Standards (MICS)—Chapter U

PURPOSE: This rule establishes the internal controls for Chapter U of the Minimum Internal Control Standards.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here. The Minimum Internal Control Standards may also be accessed at <http://www.mgc.dps.mo.gov>.

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter U—Cashless, Promotional, and Bonusing Systems, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter U does not incorporate any subsequent amendments or additions as adopted by the commission on September 29, 2010.

AUTHORITY: section 313.004, RSMo 2000 and sections 313.800 and 313.805, RSMo Supp. 2010. Original rule filed Oct. 22, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for January 5, 2011, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System**

PROPOSED RULE

11 CSR 45-9.122 Minimum Internal Control Standards (MICS)—Chapter V

PURPOSE: This rule establishes the internal controls for Chapter V of the Minimum Internal Control Standards.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or

expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here. The Minimum Internal Control Standards may also be accessed at <http://www.mgc.dps.mo.gov>.

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter V—Server-Supported Game Systems, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter V does not incorporate any subsequent amendments or additions as adopted by the commission on September 29, 2010.

AUTHORITY: section 313.004, RSMo 2000 and sections 313.800 and 313.805, RSMo Supp. 2010. Original rule filed Oct. 22, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for January 5, 2011, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 41—General Tax Provisions**

PROPOSED AMENDMENT

12 CSR 10-41.010 Annual Adjusted Rate of Interest. The department proposes to amend section (1).

PURPOSE: Under the Annual Adjusted Rate of Interest (section 32.065, RSMo), this amendment establishes the 2011 annual adjusted rate of interest to be implemented and applied on taxes remaining unpaid during calendar year 2011.

(1) Pursuant to section 32.065, RSMo, the director of revenue, upon official notice of the average predominant prime rate quoted by commercial banks to large businesses, as determined and reported by the Board of Governor's of the Federal Reserve System in the Federal Reserve Statistical Release H.15(519) for the month of September of each year, has set by administrative order the annual adjusted rate of interest to be paid on unpaid amounts of taxes during the succeeding calendar year as follows:

Calendar Year	Rate of Interest on Unpaid Amounts of Taxes
1995	12%
1996	9%
1997	8%
1998	9%

1999	8%
2000	8%
2001	10%
2002	6%
2003	5%
2004	4%
2005	5%
2006	7%
2007	8%
2008	8%
2009	5%
2010	3%
2011	3%

AUTHORITY: section 32.065, RSMo 2000. Emergency rule filed Oct. 13, 1982, effective Oct. 23, 1982, expired Feb. 19, 1983. Original rule filed Nov. 5, 1982, effective Feb. 11, 1983. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Oct. 22, 2010, effective Jan. 1, 2011, expires June 29, 2011. Amended: Filed Oct. 22, 2010.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. This proposed amendment will result in no change to the interest rate charged on delinquent taxes from that of 2010.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. This proposed amendment will result in no change in the interest rate charged on delinquent taxes from that of 2010. The actual number of affected taxpayers is unknown. See detailed fiscal note for further explanation.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Legal Services Division, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Rule Number and Name:	12 CSR 10-41.010 Annual Adjusted Rate of Interest
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Counties	Because the 2011 interest rate imposed on delinquent taxes will be at the same rate imposed in 2010, the aggregate impact on public entities will be less than \$500.
Cities	
Special Taxing Districts	

III. WORKSHEET

The proposed amendment sets the rate of interest for 2011 at 3%, the same rate as 2010.

The future amount of past due taxes is unknown. Because the 2011 interest rate imposed on delinquent taxes will be the same rate imposed in 2010, there will be no additional fiscal impact for public entities.

	Current Rule – 3%	Proposed Amendment – 3%
Past due tax amount	\$100.00	\$100.00
Interest amount	3.00	3.00
Total Amount Due	\$103.00	\$103.00

IV. ASSUMPTIONS

Under Section 32.065, RSMo, the director of revenue is mandated to establish an annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year as set by the Board of Governors of the Federal Reserve rounded to the nearest full percentage.

**FISCAL NOTE
PRIVATE COST****I. RULE NUMBER**

Rule Number and Name:	12 CSR 10-41.010 Annual Adjusted Rate of Interest
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by adoption of the proposed rule	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Any taxpayer with delinquent tax.	Any taxpayer with delinquent tax.	Because the 2011 interest rate imposed on delinquent taxes will be at the same rate imposed in 2010, the aggregate impact on private entities will be less than \$500.

III. WORKSHEET

The proposed amendment sets the rate of interest for 2011 at 3%, the same rate as 2010.

The future amount of past due taxes is unknown. Because the 2011 interest rate imposed on delinquent taxes will be the same rate imposed in 2010, there will be no additional cost to private entities.

	Current Rule – 3%	Proposed Amendment – 3%
Past due tax amount	\$100.00	\$100.00
Interest amount	3.00	3.00
Total Amount Due	\$103.00	\$103.00

IV. ASSUMPTIONS

Pursuant to Section 32.065, RSMo, the director of revenue is mandated to establish an annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year as set by the Board of Governors of the Federal Reserve rounded to the nearest full percentage.

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 2—Membership and Benefits

PROPOSED AMENDMENT

16 CSR 50-2.030 Eligibility and Participation. The board is amending subsection (4)(B).

PURPOSE: This amendment clarifies service credit during military service.

(4) A participant shall be credited with hours of service for a calendar year in accordance with the following rules:

(B) Hours will be credited for military leave based on the participant's average hours paid during the last *[six (6)]* **twelve (12)** months worked prior to such leave;

AUTHORITY: section 50.1032, RSMo 2000. Original rule filed Oct. 11, 1995, effective May 30, 1996. Amended: Filed Dec. 9, 1997, effective June 30, 1998. Rescinded and readopted: Filed Sept. 29, 2000, effective March 30, 2001. Amended: Filed April 26, 2001, effective Nov. 30, 2001. Amended: Filed June 4, 2010, effective Dec. 30, 2010. Amended: Filed Aug. 30, 2010.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the County Employees' Retirement Fund, 2121 Schotthill Woods Drive, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 3—Creditable Service

PROPOSED AMENDMENT

16 CSR 50-3.010 Creditable Service. The board is amending section (1).

PURPOSE: This amendment clarifies the treatment of medical leave.

(1) General Rule. Creditable service means a participant's period of employment as an employee, including the participant's prior service, except as provided in section (2). In addition, absences for sickness and injury of less than twelve (12) months shall be counted as creditable service~~], and any]~~. **For this purpose, a participant will be deemed to be absent for sickness and injury only to the extent certified by the county clerk on a form provided by the board or its designee to be on an approved leave of absence for medical reasons under the written policies of an employer. Any periods of service in a uniformed service (as defined in section 414(u) of the Internal Revenue Code (Code)) shall be included in creditable service to the extent required by the Uniformed Services Employment and Reemployment Rights Act of 1994. A participant (other than a part-time or seasonal employee) shall receive credit for one-twelfth (1/12) of a year for each month in which the participant earns an hour of service. Elective or appointive county officials receive one (1) year of service for each year in office. A person may not earn more than one (1) year of creditable service in any plan year.**

AUTHORITY: section 50.1032, RSMo 2000. Original rule filed Oct.

11, 1995, effective May 30, 1996. Rescinded and readopted: Filed Sept. 29, 2000, effective March 30, 2001. Amended: Filed Dec. 10, 2002, effective June 30, 2003. Amended: Filed Feb. 21, 2006, effective Sept. 30, 2006. Amended: Filed Dec. 22, 2008, effective July 30, 2009. Amended: Filed June 4, 2010, effective Dec. 30, 2010. Amended: Filed Aug. 30, 2010.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the County Employees' Retirement Fund, 2121 Schotthill Woods Drive, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 7—Licensing of Physician Assistants

PROPOSED RULE

20 CSR 2150-7.010 Definitions

PURPOSE: This rule defines the terms used in Chapter 334, RSMo.

(1) The term "families" as used in section 334.747.1, RSMo, shall mean spouse, parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nephew, nieces, mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, and son-in-law. Adopted and step members are also included in this definition.

AUTHORITY: sections 334.125, 334.736, 334.738, and 334.743, RSMo 2000 and sections 334.735 and 334.747, RSMo Supp. 2010. Original rule filed Nov. 1, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing comments to (573) 751-3166, or by emailing comments to healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 7—Licensing of Physician Assistants

PROPOSED AMENDMENT

20 CSR 2150-7.100 Applicants for Licensure. The board is proposing to delete section (4) and renumber the remaining sections accordingly.

PURPOSE: This amendment removes the requirement for physician assistants to provide their supervising physician's information prior to becoming licensed to be consistent with statute.

[(4)] Applicants shall, upon a form provided by the board, designate any and all physicians who will serve as their supervising physician. A change of physician supervision, for any reason, must be submitted to the board within fifteen (15) days of such occurrence.]

[(5)](4) Applicants shall have verification of passage of the certifying examination and active certification submitted to the board from the National Commission on Certification of Physician Assistants.

[(6)](5) Applicants are required to make application upon forms prepared by the board.

[(7)](6) No application will be considered unless fully and completely made out on the specified form and properly attested.

[(8)](7) Applicants shall attach to the application a recent unmounted photograph not larger than three and one-half inches by five inches (3 1/2" × 5").

[(9)](8) Applications shall be sent to the State Board of Registration for the Healing Arts, PO Box 4, Jefferson City, MO 65102.

[(10)](9) Applicants shall submit the licensure application fee in the form of a cashier's check or money order drawn on or through a United States bank made payable to the State Board of Registration for the Healing Arts. Personal checks will not be accepted.

[(11)](10) Applicants shall have verification of licensure, registration, and/or certification submitted from every state and/or country in which the applicants have ever held privileges to practice. This verification must be submitted directly from the licensing agency and include the type of license, registration, or certification, the issue and expiration date, and information concerning any disciplinary or investigative actions.

[(12)](11) Applicants must submit a complete curriculum vitae from high school graduation to the date of application submission. This document shall include the name(s) and address(es) of all employers and supervisors, dates of employment, job title, and all professional and nonprofessional activities.

[(13)](12) When an applicant has filed an application and an appropriate fee, to be established by the board in conjunction with the director of the Division of Professional Registration for licensure and the application is denied by the board or subsequently withdrawn by the applicant, that fee will be retained by the board as a service charge.

[(14)](13) The board may require the applicant to make a personal appearance before the board and/or commission prior to rendering a final decision regarding licensure.

[(15)](14) An applicant may withdraw an application for licensure anytime prior to the board's vote on the applicant's candidacy for licensure.

AUTHORITY: sections 334.125, 334.738, 334.742, and 334.743, RSMo [Supp. 1999] 2000 and section 334.735, RSMo Supp. 2010. This rule originally filed as 4 CSR 150-7.100. Emergency rule

filed Sept. 15, 1992, effective Sept. 25, 1992, expired Jan. 22, 1993. Original rule filed April 2, 1992, effective Dec. 3, 1992. Amended: Filed Jan. 3, 1997, effective July 30, 1997. Amended: Filed July 25, 2000, effective Dec. 30, 2000. Moved to 20 CSR 2150-7.100, effective Aug. 28, 2006. Amended: Filed Nov. 1, 2010.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing comments to (573) 751-3166, or by emailing comments to healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 7—Licensing of Physician Assistants**

PROPOSED AMENDMENT

20 CSR 2150-7.125 Late Registration and Reinstatement Applicants. The board is proposing to remove section (8) and renumber the remaining sections accordingly.

PURPOSE: This amendment removes the requirement for physician assistants to provide their supervising physician's information prior to becoming licensed to be consistent with statute.

[(8) All applicants shall, upon a form provided by the board, designate any and all physicians who will serve as their supervising physician.]

[(9)](8) Applicants whose license has been revoked, suspended, or inactive for more than two (2) years shall submit any other documentation requested by the board necessary to verify that the licensee is competent to practice and is knowledgeable of current medical techniques, procedures, and treatments, as evidenced by continuing education hours, reexamination, or other applicable documentation acceptable and approved by the board pursuant to the provisions of section 334.100.6, RSMo.

[(10)](9) The board may require an applicant to make a personal appearance before the board and/or commission prior to rendering a final decision regarding license renewal/reinstatement.

[(11)](10) An applicant may withdraw his/her application for license anytime prior to the board's vote on the applicant's candidacy for license renewal/reinstatement.

AUTHORITY: sections 334.125, 334.738, and 334.743, RSMo [Supp. 1999] 2000 and section 334.735, RSMo Supp. 2010. This rule originally filed as 4 CSR 150-7.125. Emergency rule filed Sept. 15, 1992, effective Sept. 25, 1992, expired Jan. 22, 1993. Original rule filed April 2, 1992, effective Dec. 3, 1992. Amended: Filed Jan. 3, 1997, effective July 30, 1997. Amended: Filed July 25, 2000, effective Dec. 30, 2000. Moved to 20 CSR 2150-7.125, effective Aug.

28, 2006. Amended: Filed Nov. 1, 2010.

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing comments to (573) 751-3166, or by emailing comments to healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 7—Licensing of Physician Assistants

PROPOSED RULE

**20 CSR 2150-7.130 Applicants for Certificate of Controlled
Substance Prescriptive Authority**

PURPOSE: *This rule sets forth the process for physician assistants to receive a certificate of controlled substance prescriptive authority.*

(1) Applicants shall make application on a form prepared by the board.

(2) Applicants shall submit the application fee as stated in 20 CSR 2150-7.200.

(3) No application will be considered unless fully and completely made out on the specified form and properly attested. All application requirements must be met to the satisfaction of the board.

(4) Applications shall be sent to the State Board of Registration for the Healing Arts, PO Box 4, Jefferson City, MO 65102.

(5) Applicants shall file with the board a supervision verification form, signed by their supervising physician, stating that the supervising physician has delegated the authority to prescribe Schedule III, IV, or V controlled substances to the physician assistant. The delegated authority to prescribe shall be consistent with each professional's education, knowledge, skill, and competence. Any limitations on the physician's or physician assistant's ability to prescribe shall be listed on the supervision verification form.

(6) Applicants shall provide an affidavit completed by their supervising physician documenting the completion of at least one hundred twenty (120) hours in a four (4)-month period by the physician assistant during which the physician assistant practiced with the supervising physician continuously present.

(7) Applicants shall fulfill the requirements of either subsection (A) or (B) below—

(A) Proof, in the form of educational transcripts, of a course or courses with—

1. Advanced pharmacological content in a physician assistant program accredited by the Accreditation Review Commission on

Education for the Physician Assistant or its predecessor; and

2. One (1) year of clinical rotations in a program accredited by the Accreditation Review Commission on Education for the Physician Assistant or its predecessor agency; or

(B) Fulfilling both requirements from paragraphs 1. and 2. below—

1. Successful completion of an advanced pharmacology course which includes clinical training in the prescription of drugs, medicine, and therapeutic devices accredited by one (1) of the following—

A. Accreditation Review Commission on Education for Physician Assistants;

B. Liaison Committee on Medical Education sponsored by the Association of American Medical Colleges and the American Medical Association;

C. American Osteopathic Association's Commission on Osteopathic College Accreditation; or

D. Accreditation Council for Pharmacy Education; and

2. Proof, in the form of educational transcripts, certifications, or affidavits, of—

A. Completion of one (1) year of clinical rotations in a program accredited by the Accreditation Review Commission on Education for the Physician Assistant or its predecessor agency, which includes pharmacotherapeutics as a component of clinical training; or

B. Completion of a minimum of three hundred (300)-clock hours of clinical training by the supervising physician in the prescription of drugs, medicines, and therapeutic devices and proof of completion of a minimum of one (1) year of supervised clinical practice or supervised clinical rotations.

AUTHORITY: *sections 334.125, 337.736, 334.738, and 334.743 RSMo 2000 and sections 334.735 and 334.747, RSMo Supp. 2010. Original rule filed Nov. 1, 2010.*

PUBLIC COST: *This proposed rule will cost state agencies or political subdivisions approximately four thousand eight hundred and two dollars (\$4,802) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

PRIVATE COST: *This proposed rule will cost private entities approximately twenty-nine thousand seven hundred thirty-three dollars (\$29,733) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing comments to (573) 751-3166, or by emailing comments to healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2150 - State Board of Registration for the Healing Arts

Chapter 7 - Licensing of Physician Assistants

Proposed Rule - 20 CSR 2150-7.130 Applicants for Certificate of Controlled Substance Prescriptive Authority

Prepared November 1, 2010 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance
State Board of Registration for the Healing	\$4,802.00

Total Annual Cost of Compliance
for the Life of the Rule \$4,802.00

III. WORKSHEET

The Administrative Office Support Assistant reviews the application for completeness, prepares and sends follow-up email to applicant. The Executive Director approves the completed application. The Administrative Coordinator issues the license for each approved application.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	NUMBER OF APPLICATIONS	TOTAL COST
Executive Director	\$76,283.04	\$113,577.82	\$54.60	\$0.91	3 minutes	\$2.73	567	\$1,548.04
Administrative Coordinator	\$37,968.00	\$56,530.56	\$27.18	\$0.45	1 minute	\$0.45	567	\$256.83
Administrative Office	\$28,596.00	\$42,576.58	\$20.47	\$0.34	20 minutes	\$6.82	567	\$388.92

Total Personal Services Cost \$2,193.80

Expense and Equipment Dollars

Item	Cost Per Item	Number of Items	Total
Application Printing	\$0.10	567	\$56.70
Application Envelope	\$2.00	567	\$1,134.00
Application Postage	\$2.50	567	\$1,417.50

Total Expense and
Equipment \$2,608.20

IV. ASSUMPTION

- Figures are based on FY 09 actuals.
- Employee's salaries were calculated using the annual salary multiplied by 48.89% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.
- It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the office, which includes personal service, expense and equipment and transfers.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2150 - State Board of Registration for the Healing Arts

Chapter 7 - Licensing of Physician Assistants

Proposed Rule - 20 CSR 2150-7.130 Applicants for Certificate of Controlled Substance Prescriptive Authority

Prepared November 3, 2010 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

First Year of Implementation of Rule

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
567	Applicants for Controlled Substance Prescriptive Authority (application fee @ \$50)	\$28,350
567	Applicants for Controlled Substance Prescriptive Authority (postage @ \$0.44)	\$249
567	Applicants for Controlled Substance Prescriptive Authority (notary @ \$2.00)	\$1,134
Estimated Annual Cost of Compliance for the Life of the Rule		\$29,733

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. Figures are based on FY09 actuals.
2. The application fee reported in this fiscal note is the same application fee referenced in fiscal note for 20 CSR 2150-7.200 Applicants for Certificate of Controlled Substance Prescriptive Authority. The fiscal notes are being filed in accordance with the provisions of sections 536.200 and 536.205, RSMo. Applicants will only be required to pay the \$50.00 application fee as part of application process for obtaining a Controlled Substance Prescriptive Authority Certificate.
3. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 7—Licensing of Physician Assistants**

PROPOSED AMENDMENT

20 CSR 2150-7.135 Physician Assistant Supervision Agreements.

The board is proposing to amend sections (2) and (4).

PURPOSE: This amendment requires a physician assistant to provide the board with their supervising physician's name and practice address(es) prior to commencing their practice.

(2) No physician assistant shall practice pursuant to the provisions of sections 334.735 through 334.748, RSMo, or to the provisions of this rule unless licensed and pursuant to a written physician assistant supervision agreement. **A physician assistant shall not practice until informing the board, in writing, of the supervising physician's name and practice address(es).**

AUTHORITY: section 334.735, RSMo Supp. [2008] 2010. This rule originally filed as 4 CSR 150-7.135. Original rule filed Jan. 3, 1997, effective July 30, 1997. For intervening history, please consult the Code of State Regulations. Amended: Filed Nov. 1, 2010.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities approximately one dollar and thirty-two cents (\$1.32) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing comments to (573) 751-3166, or by emailing comments to healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2150 - State Board of Registration for the Healing Arts

Chapter 7 - Licensing of Physician Assistants

Proposed Amendment - 20 CSR 2150-7.135 Physician Assistant Supervision Agreements

Prepared November 1, 2010 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

First Year of Implementation of Rule

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
3	Physician Assistants seeking a Physician Assistant Supervision Agreement (postage @ \$0.44)	\$1.32
	Estimated Biennial Cost of Compliance for the Life of the Rule	\$1.32

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above figures are based on FY10 actuals.
2. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 7—Licensing of Physician Assistants**

PROPOSED AMENDMENT

20 CSR 2150-7.136 Request for Waiver. The board is proposing to amend sections (7) and (10), add a new section (11), and renumber the remaining section accordingly.

PURPOSE: This amendment modifies the existing waiver requirements to comply with Senate Bill 296 (2009) of the 95th General Assembly.

(7) Once the advisory commission and the board approve a waiver for a physician-physician assistant team, the *[waiver will remain in effect for one (1) year from the date of issuance.]* physician-physician assistant team shall only be required to seek a renewal of the waiver every five (5) years or when they move their primary location more than ten (10) miles from the location shown on the waiver application. If a waiver has been granted by the Board of Healing Arts to a physician-physician assistant team working in a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended, no additional waiver shall be required, so long as the rural health clinic maintains its status as a rural health clinic under such federal act, and such physician assistant and supervising physician comply with federal supervision requirements.

(10) The board may refuse to issue a waiver to a physician-physician assistant team if either applicant has previously violated the terms of a prior waiver granted pursuant to section 334.735.2, RSMo, or violated any section of Chapter 334, RSMo.

(11) Within thirty (30) days of the board's refusal to issue a waiver, the physician-physician assistant team may request a hearing before the board to contest the refusal to issue the waiver. After conducting this hearing, the board shall make a finding of fact to either uphold its prior refusal or to issue the waiver.

[(11)](12) The Board of Healing Arts may void a current waiver after conducting a hearing and upon a finding of fact that the physician-physician assistant team has failed to comply with the requirements of the waiver.

AUTHORITY: section 334.125, RSMo 2000 and section 334.735, RSMo Supp. [2008] 2010. Emergency rule filed Oct. 19, 2007, effective Oct. 29, 2007, expired April 25, 2008. Original rule filed Oct. 19, 2007, effective May 30, 2008. Amended: Filed April 3, 2009, effective Sept. 30, 2009. Amended: Filed Nov. 1, 2010.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing comments to (573) 751-3166, or by emailing comments to healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 7—Licensing of Physician Assistants**

PROPOSED AMENDMENT

20 CSR 2150-7.137 Waiver Renewal. The board is proposing to amend section (8) and add a new subsection (10)(C).

PURPOSE: This amendment modifies the existing waiver renewal requirements to comply with Senate Bill 296 (2009) of the 95th General Assembly.

(8) Once the advisory commission and the board approve a request for renewal for a physician-physician assistant team, the *[waiver may be renewed for one (1) or three (3) years.]* physician-physician assistant team shall only be required to seek a renewal of the waiver every five (5) years or when they move their primary location more than ten (10) miles from the location shown on the waiver application.

(10) The Board of Healing Arts may refuse to renew a waiver for the following reasons:

(A) The applicants fail to continue to meet the eligibility requirements pursuant to section 334.735.2, RSMo./;

(B) The applicants have previously failed to comply with the requirements of the prior waiver./; and/or

(C) A member of the physician-physician assistant team has violated Chapter 334, RSMo.

AUTHORITY: section 334.125, RSMo 2000 and section 334.735, RSMo Supp. [2007] 2010. Original rule filed Oct. 19, 2007, effective May 30, 2008. Amended: Filed May 9, 2008, effective Dec. 30, 2008. Amended: Filed Nov. 1, 2010.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing comments to (573) 751-3166, or by emailing comments to healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 7—Licensing of Physician Assistants**

PROPOSED AMENDMENT

20 CSR 2150-7.200 Fees. The board is proposing to add subsection (1)(H).

PURPOSE: This amendment adds a one (1)-time fee for a certificate of controlled substance prescriptive authority.

(1) The following fees are established by the Missouri State Board of Registration for the Healing Arts in conjunction with the director of the Division of Professional Registration:

(H) Certificate of Controlled Substance

Prescriptive Authority Fee

\$ 50.00

AUTHORITY: sections 334.125, 334.736, 334.738, and 334.743, RSMo Supp. 2000 and section 334.735, RSMo Supp. 2010. This rule originally filed as 4 CSR 150-7.200. Emergency rule filed Sept. 15, 1992, effective Sept. 25, 1992, expired Jan. 22, 1993. Original rule filed April 2, 1992, effective Dec. 3, 1992. Amended: Filed April 16, 1996, effective Nov. 30, 1996. Amended: Filed July 25, 2000, effective Dec. 30, 2000. Amended: Filed April 30, 2002, effective Nov. 30, 2002. Moved to 20 CSR 2150-7.200, effective Aug. 28, 2006. Amended: Filed Nov. 1, 2010.

PUBLIC COST: This proposed amendment will increase revenue for state agencies or political subdivisions by approximately twenty-eight thousand three hundred fifty dollars (\$28,350) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will cost private entities approximately twenty-eight thousand three hundred fifty dollars (\$28,350) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing comments to (573) 751-3166, or by emailing comments to healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC ENTITY FISCAL NOTE**I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2150 - State Board of Registration for the Healing Arts****Chapter 7 - Licensing of Physician Assistants****Proposed Rule - 20 CSR 2150-7.200 Fees**

Prepared November 3, 2010 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision		Estimated Revenue	
State Board of Registration for the Healing Arts			\$28,350
		Total Estimated Annual Revenue For the Life of the Rule	\$28,350

III. WORKSHEET

See Private Entity Fiscal Note

IV. ASSUMPTION

1. The total revenue is based on the cost reflected in the Private Entity Fiscal Note filed with this rule.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the office, which includes personal service, expense and equipment and transfers.

REVISED PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2150 - State Board of Registration for the Healing Arts

Chapter 7 - Licensing of Physician Assistants

Proposed Rule - 20 CSR 2150-7.200 Fees

Prepared November 3, 2010 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

First Year of Implementation of Rule

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
567	Applicants for Controlled Substance Prescriptive Authority (application fee @ \$50)	\$28,350
Estimated Annual Cost of Compliance for the Life of the Rule		\$28,350

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. Figures are based on FY09 actuals.
2. The application fee is also reported in the fiscal note accompanying the amendment to 20 CSR 2150-7.130 in accordance with the provisions of sections 536.200 and 536.205, RSMo. The Certificate of Controlled Substance Prescriptive Authority Application Fee is a one time fee submitted at the time the applicant submits the application for the initial Certificate of Controlled Substance Prescriptive Authority to the board office.
3. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The board is statutorily obligated to enforce and administer the provisions of Chapter 334, RSMo. Pursuant to Section 326.319, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 326, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 326, RSMo. This proposed amendment is necessary because the board's projected revenue will not support the expenditures necessary to enforce and administer the provisions of Chapter 326, RSMo, which will result in an endangerment to the health, welfare, and safety of the public.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-6.505 Black Bass is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1400-1401). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-6.535 Trout is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1401). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.110 Use of Boats and Motors is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1401-1402). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.115 Bullfrogs and Green Frogs is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1402). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.125 Hunting and Trapping is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1402-1403). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-12.140 Fishing, Daily and Possession Limits
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1403-1404). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.145 Fishing, Length Limits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1404). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.155 Fishing, Stone Mill Spring Branch is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1405). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 2—Income Limitations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 170-2.010 Adjusted Gross Income is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2010 (35 MoReg 963). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 2—Income Limitations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-2.100 Income Limitations is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2010 (35 MoReg 963-964). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 3—Approved Mortgagor of Multiunit Housing**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 170-3.010 Approved Mortgagor is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2010 (35 MoReg 964). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 170—Missouri Housing Development
Commission**

**Chapter 3—Requirements for Qualification as an
Approved Mortgagor of Multi-Family Rental Housing**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-3.100 Definitions is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2010 (35 MoReg 964). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 170—Missouri Housing Development
Commission**

**Chapter 3—Requirements for Qualification as an
Approved Mortgagor of Multi-Family Rental Housing**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-3.200 Approved Mortgagor is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2010 (35 MoReg 964-965). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 170—Missouri Housing Development
Commission**

Chapter 4—Supervision of Mortgagors and Sponsors

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 170-4.010 Financial Reports and Limitations on Earnings is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2010 (35 MoReg 965). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 170—Missouri Housing Development
Commission**

Chapter 4—Supervision of Mortgagors

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-4.100 Definitions is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2010 (35 MoReg 965-966). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 170—Missouri Housing Development
Commission**

Chapter 4—Supervision of Mortgagors

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-4.200 Rules and Limitations on Earnings, Dividends, and Other Distributions by Approved Mortgagors is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2010 (35 MoReg 966). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 170—Missouri Housing Development
Commission**

Chapter 4—Supervision of Mortgagors

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-4.300 Financial Reporting and Compliance Requirements for Approved Mortgagors is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2010 (35 MoReg 966-967). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 170—Missouri Housing Development Commission
Chapter 5—Affordable Housing Assistance Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 170-5.010 Definitions is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2010 (35 MoReg 967-968). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 170—Missouri Housing Development Commission
Chapter 5—Affordable Housing Assistance Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 170-5.020 Preparation of Application is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2010 (35 MoReg 968). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 170—Missouri Housing Development Commission
Chapter 5—Affordable Housing Assistance Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 170-5.030 Application and Notification Process is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2010 (35 MoReg 968). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 170—Missouri Housing Development Commission
Chapter 5—Affordable Housing Assistance Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 170-5.040 Issuance of the Tax Credit is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2010 (35 MoReg 968). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 170—Missouri Housing Development Commission
Chapter 5—Affordable Housing Assistance Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 170-5.050 Compliance Requirements is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2010 (35 MoReg 969). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 170—Missouri Housing Development Commission
Chapter 5—Affordable Housing Assistance Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-5.100 Introduction is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2010 (35 MoReg 969-970). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**Division 170—Missouri Housing Development Commission****Chapter 5—Affordable Housing Assistance Program****ORDER OF RULEMAKING**

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-5.200 Application is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2010 (35 MoReg 970-971). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**Division 170—Missouri Housing Development Commission****Chapter 5—Affordable Housing Assistance Program****ORDER OF RULEMAKING**

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-5.300 Approval and Reservation Process is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2010 (35 MoReg 971). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**Division 170—Missouri Housing Development Commission****Chapter 5—Affordable Housing Assistance Program****ORDER OF RULEMAKING**

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-5.400 Issuance of the Tax Credit is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2010 (35 MoReg 971-973). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**Division 170—Missouri Housing Development Commission****Chapter 5—Affordable Housing Assistance Program****ORDER OF RULEMAKING**

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-5.500 Compliance Requirements and Recapture is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2010 (35 MoReg 973). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**Division 170—Missouri Housing Development Commission****Chapter 6—Missouri Low Income Housing Tax Credit****ORDER OF RULEMAKING**

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 170-6.010 Criteria for Eligibility Statement is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2010 (35 MoReg 973). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**Division 170—Missouri Housing Development Commission****Chapter 6—Missouri Low Income Housing Tax Credit****ORDER OF RULEMAKING**

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-6.100 Criteria for Eligibility Statement **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2010 (35 MoReg 973-975). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 6—Missouri Low Income Housing Tax Credit
ORDER OF RULEMAKING**

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-6.200 Additional Missouri Low Income Housing Tax Credit Requirements **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2010 (35 MoReg 975). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 4—Mental Health Programs**

ORDER OF RULEMAKING

By the authority vested in the Director of the Department of Mental Health under section 630.050, RSMo Supp. 2010 and sections 630.655 and 632.050, RSMo 2000, the director amends a rule as follows:

9 CSR 30-4.045 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2010 (35 MoReg 1022). The section with changes is reprinted here. This proposed amendment becomes effective on **February 24, 2011**.

SUMMARY OF COMMENTS: The department received two (2) comments on the proposed amendment.

COMMENT #1: Andy Greening of Preferred Family Healthcare forwarded a comment stating that the rule includes language indicating that the intensive level of treatment is time-limited and should be removed.

RESPONSE AND EXPLANATION OF CHANGE: The staff agrees with the comment and section (1) is changed accordingly.

COMMENT #2: Virginia Selleck of the Department of Mental Health also recommended that the proposed amendment language regarding time limitation should be changed/qualified by the phrase

“according to the needs of service recipients” to better describe the level of support.

RESPONSE AND EXPLANATION OF CHANGE: The staff agrees with the comment and section (1) reflects the change.

9 CSR 30-4.045 Intensive Community Psychiatric Rehabilitation

(1) Intensive Community Psychiatric Rehabilitation (CPR). A level of support designed to help consumers who are experiencing a severe and significant psychiatric condition, alleviating or eliminating the need to admit them into a psychiatric inpatient setting. It is a comprehensive community-based service, according to the needs of service recipients, delivered to consumers who are exhibiting symptoms that interfere with individual/family life in a highly disabling manner.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 140—Division of Energy
Chapter 8—Certification of Renewable Energy and
Renewable Energy Standard Compliance Account**

ORDER OF RULEMAKING

Pursuant to sections 393.1025(5) and 393.1030.4, RSMo Supp. 2010, the Department of Natural Resources adopts a rule as follows:

10 CSR 140-8.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 15, 2010 (35 MoReg 1022-1028). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No public hearing was held on this proposed rule, and the public comment period ended August 14, 2010. The Department of Natural Resources (department) received five (5) written comments.

COMMENT #1: Kansas City Power & Light and KCP&L Greater Missouri Operations (KCP&L Companies)

Question 1: Mr. Brad Lutz with KCP&L Companies asked whether new sources of renewable energy, included in SB 795 passed by the Missouri General Assembly and signed by the governor on July 9, 2010, should be included in the definition of renewable energy sources defined in subsection (2)(A) of the proposed rule.

RESPONSE: The department is unable to incorporate changes resulting from new legislation before the legislation takes effect. The proposed rule was filed July 15, 2010; the effective date of SB 795 was August 28, 2010. Because SB 795 was not in effect when this rule was proposed, the department is unable to include the new renewable energy sources approved by the General Assembly in SB 795. Those changes will need to be addressed in a separate proposed rulemaking subsequent to this one.

Question 2: Mr. Lutz suggested that the department publish a complete listing “of all certified renewable sources” in the *Missouri Register* instead of just new types of renewable energy sources certified by the department that become available after November 4, 2008.

RESPONSE: Section 393.1025(5), RSMo, requires that only new sources of energy that become available after November 4, 2008, are to be certified by the department by rule. Therefore, only new sources of renewable energy will be listed in the *Missouri Register*.

Question 3: Mr. Lutz requested that part (4)(C)4.B.(I), which concerns an electric utility’s failure to file its *Annual RES Compliance*

Report with the department, be deleted.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and will delete part (4)(C)4.B.(I) and renumber the remaining parts. Electric utilities will still be required to provide the department a copy of the PSC Compliance Report pursuant to commission rule 4 CSR 240-20.100(7); however, the commission has adequate enforcement remedies that it can pursue for failure to file the *Annual RES Compliance Report*.

Question 4: Mr. Lutz stated support for Missouri Energy Development Association's (MEDA's) comments (shown later) that subsection (4)(A) of the proposed rule allow grandfathering of renewable electrical generation facilities that were licensed and operational prior to January 1, 2011, as meeting certification pursuant to this section of the rule. Additionally, both Mr. Lutz and MEDA suggest that "small scale wind and solar from residential, commercial, and industrial operations" be exempted from certification requirements "as the utilities are already monitoring these installations . . ."

RESPONSE: The department cannot mitigate the plain language of the statute, which provides for the department to "establish . . . a certification process for electricity generated from renewable resources and used to fulfill the requirements of subsection 1 of this section" (referring to the renewable energy portfolio requirements). Proposition C did not exempt any facilities from the department's certification process, and the department cannot shirk the obligations placed upon it by the voters of the state. There is no provision for grandfathering existing generating facilities, and the department is aware of no other alternative by which it can certify the "electricity generated" from facilities that are not certified under these rules, and no means for a utility to "use" electricity generated at non-certified facilities to meet the portfolio requirements. While the utilities' concerns are understandable, the department does not find any alternative to certifying existing facilities, and does not desire to expose the utilities to being prevented from counting production from these facilities toward their RES portfolio requirements. The same rationale applies to the utilities' suggestion that small scale wind and solar operations be exempted from certification. The statute does not grant the department the authority to exempt facilities from certification, and the department does not find an alternative method to certify the "electricity generated" from small scale facilities in a manner that would allow the utilities to count the electricity generated by small scale wind and solar facilities toward their portfolio requirements.

Question 5: Mr. Lutz commented that rule language in part (4)(C)4.A.(III) should define best practices and undue impacts.

RESPONSE: The enacting legislation is silent on how the department is to establish these criteria. The department has consulted with various state agencies in an attempt to quantify these matters. The department has determined that there are various federal regulations (e.g., U.S. Department of Agriculture and Environmental Protection Agency, etc.) and state programs (e.g., Missouri Departments of Agriculture and Conservation) that restrict agricultural and forestry land uses when receiving federal or state funds. These restrictions require that certain land management actions occur to receive funding. Additionally, the department's Division of Environmental Quality (DEQ) has programs that regulate how air, land, and water resources are impacted by development. These programs could potentially come into play if air, water, and land resources were adversely impacted by the installation of renewable electric generation facilities. The department will rely on all of these resources when it makes its determination of rule compliance.

COMMENT #2: Missouri Energy Development Association (MEDA)

Question 1: Mr. Warren T. Wood with MEDA suggests that the phrase "used to generate electricity" be inserted after the phrase "solar thermal sources" in paragraph (2)(A)2.

RESPONSE: This would be duplicative as subsection (2)(A) states that electricity must be generated from the following types of renewable energy sources and then lists solar thermal sources as one of those types.

Question 2: Mr. Wood stated that the SB 795's new renewable energy resources (methane from agricultural operations and energy from thermal polymerization and/or pyrolysis utilizing waste materials) should be included in the list of eligible renewable energy resources in the rule.

RESPONSE: See the department's response to KCP&L Companies' Comment #1, Question 1 above.

Question 3: Mr. Wood proposes that a sixty (60)-day maximum time frame for the department to review applications for certification should be added to section (4).

RESPONSE: The enacting legislation does not include this provision. Therefore, although the department intends to process applications as quickly as possible, it will not include a deadline for processing applications in the proposed rule.

Question 4: Mr. Wood stated that applicants that are not investor owned utilities should be exempt from filing an *Annual RES Compliance Report* under part (4)(C)3.D.(III).

RESPONSE: The rule language specifically states that only electric utilities, as defined in subsection (1)(C), are required to timely file the *Annual RES Compliance Report*.

Question 5: Mr. Wood requests that part (4)(C)4.B.(I). be deleted.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and will delete the reference to failure to file report as a basis for decertifying a facility in part (4)(C)4.B.(I) and renumber the remaining parts, as previously stated in Comment #1, Question 3.

Question 6: Mr. Wood suggested that the phrase "and energy efficiency" be deleted from the last sentence of subsection (5)(B).

RESPONSE: The proposed rule contains the exact language from section 393.1030(2), RSMo, and will remain unchanged.

COMMENT #3: AmerenUE

Question 1: Mr. Thomas M. Byrne with AmerenUE raised the issue of clarifying paragraph (2)(A)2. in regard to the requirement for solar thermal sources to generate electricity.

RESPONSE: This would be duplicative as subsection (2)(A) requires the generation of electricity for renewable energy resources to qualify as *Eligible Renewable Energy Resources* listed under paragraphs (2)(A)1.-9.

Question 2: Mr. Byrne stated that the inclusion of the word "may" in the last sentence of paragraph (2)(A)8. implies the possibility that hydropower improvements would not qualify as renewable energy resources.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees that the eligibility of hydropower improvements should not be qualified with the word "may" and will delete the word "may" from the last sentence of paragraph (2)(A)8.

Question 3: Mr. Byrne also submitted comments on two (2) main issues contained in section (4) Certification of Renewable Energy Generation Facilities and Environmental Impact. The first comment concerned the need for electric generation facilities that have an inservice date prior to the passage of initiative petition Proposition C on November 4, 2008, to be certified under the proposed rule. AmerenUE believes these facilities should be "grandfathered in." The second comment concerned the requirement for "small facilities, under 100 kilowatts" to meet certification requirements the same as electric utilities.

RESPONSE: See the department's response to Mr. Lutz in Comment # 1, Question 4 above.

Question 4: Mr. Byrne would like the department to set a deadline under which it must either approve a certification application, under section (4), within sixty (60) days or have the application be deemed approved.

RESPONSE: The enacting legislation does not include this provision. Therefore, although the department intends to process applications as quickly as possible, it will not include a deadline for processing applications in the proposed rule.

Question 5: Mr. Byrne stated that part (4)(C)4.B.(I) should be clarified to show that the *Annual RES Compliance Report* applies only to electric utilities.

RESPONSE AND EXPLANATION OF CHANGE: See the department's responses to Comment #1, Question 3 and Comment #2, Question 5 in which the department agreed to delete part (4)(C)4.B.(I) and renumber the remaining parts.

Question 6: Mr. Byrne stated that part (4)(C)3.D.(III) needs clarification to show that the filing of the *Annual RES Compliance Report* is applicable to only electric utilities.

RESPONSE: The rule language specifically states that only electric utilities, as defined in subsection (1)(C), are required to timely file the *Annual RES Compliance Report*.

COMMENT #4: Missouri Forest Resources Advisory Council (MoFRAC)

Question 1: Mr. Scott Brundage with MoFRAC questions why the proposed rule does not specify how a renewable energy resource, defined in section 393.1025(5), RSMo, meets the criteria of being renewable. Mr. Brundage then gave an example about a hydropower facility that goes dry.

RESPONSE: By definition, any energy source defined in section 393.1025(5), RSMo, is a renewable resource. The statute does not provide that any renewable criteria must be met. Mere inclusion in the definition under section 393.1025(5), RSMo, is sufficient to classify the energy source as a renewable energy resource. A hydropower facility is a renewable resource by definition, regardless of its water supply level.

Question 2: Mr. Brundage questioned if the proposed rule, part (2)(A)6.A.(I), requires sustainable forestry harvesting practices, as it appears to require for agriculture in paragraph (2)(A)3. of the proposed rule.

RESPONSE: Paragraph (2)(A)3. of the proposed rule applies to both herbaceous and non-herbaceous crops as it regards their harvesting in a sustainable manner. This includes forest products.

Question 3: Mr. Brundage also commented on the lack of federal and state regulations regarding wood harvesting and that the state's forestry best management practice guidelines are voluntary and, thus, not enforceable. Additionally, the department does not define undue adverse air, water, or land impacts.

RESPONSE: The department reiterates its position as previously stated in the department's response to Mr. Lutz of KCP&L Companies Comment #1, Question 5.

Question 4: Mr. Brundage raised concerns about the harvesting of woody biomass and the length of time it takes harvesting to become carbon neutral.

RESPONSE: The enacting legislation does not require that the harvesting of renewable energy resources be carbon neutral. The department cannot prohibit the gathering of forest feedstocks for use as a renewable energy resource because it is clearly authorized under section 393.1025(5), RSMo.

Question 5: Mr. Brundage is critical of the proposed rule regarding what he believes to be excessive use of "self-verification" by the electrical generating facility for certification purposes and states that the

Missouri Department of Conservation should act as a third-party evaluator for forest-related harvesting activities.

RESPONSE: The requirement that a Missouri professional forester review woody biomass electric generating facilities' feedstock acquisition methods is an adequate verification criterion.

Question 6: Finally, Mr. Brundage questions if the proposed rule allows for adequate challenges to the department's certification of a generating facility.

RESPONSE: Paragraph (4)(C)6. of the proposed rule allows the public to challenge any certification approved by the department. All applications and supporting documents, as well as the department's decisions to certify, refuse to certify, or decertify facilities, shall be public records, if they do not come within an exception to the Open Records/Sunshine Law. The department will consider challenges to the certification of a facility or requests for decertification within the scope of its authority under the statute.

COMMENT #5: Renew Missouri

Question 1: Mr. Henry B. Robertson with Renew Missouri would like the department to add the definition of "renewable" to the rule to define that it is naturally recurring or regenerated over a short time scale and is not used at a rate faster than the rate of regeneration.

RESPONSE: The department cannot redefine or modify what is already defined by statute. Inclusion in the definition of "renewable energy resources" under section 393.1025(5), RSMo, is sufficient to classify the energy source as "renewable."

Question 2: Mr. Robertson seeks to clarify the definition of hydropower by striking four (4) words, "of the incremental capacity," from the last sentence of paragraph (2)(A)8.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with this suggestion to strike the four (4) words "of the incremental capacity" in the last sentence of this paragraph.

Question 3: Mr. Robertson stated that "dead and downed forest products" is unnecessary and inappropriately broadens the definition of forest-related resources in part (2)(A)6.A.(I).

RESPONSE: The department included these items to clarify the totality of what are considered forest-related resources and they will remain in the rule.

Question 4: Mr. Robertson made several comments about the "Certification of Renewable Energy Generation Facilities and Environmental Impact" in section (4). Concerns centered around whether or not a generation facility actually has to file an application for certification; whether the test should be "has not caused" vs. "shall not cause" undue adverse environmental impacts; whether the rule should state "will obtain and/or maintain" vs. "has obtained and will maintain all applicable environmental permits"; lack of a specific time line for processing certification applications (suggested thirty (30) days to review); lack of an appeal process in case of certification denial; lack of a public complaint procedure; and lack of a requirement for certified facilities to report fuel switching.

RESPONSE AND EXPLANATION OF CHANGE: Renewable energy credits (RECs) can only be generated from a facility that has been certified. If a generating facility does not submit an application, then any RECs that would be generated from that facility will not be allowed to be used by the electric utilities to meet the RES portfolio standard. No change to the rule will be made. The department agrees that future potential undue adverse environmental impacts are to be considered instead of just past adverse impacts, and paragraph (4)(C)2. will be revised to reflect this. The proposed language regarding obtaining and maintaining licensing permits is clear and will not be changed. The statute does not set a time line for the department to review certification applications, and the department will not establish one by rule. The department's Division of Energy does not have a "commission" as found in other department programs, and the statute

does not provide guidance on appealing a Division of Energy application decision, and it would be beyond the scope of the department's authority to provide it, so there will be no change to the rule. An approved certification is only for the specific fuel type submitted in the application and a change in the source of fuel would not be permitted under the certificate. Fuel changes would require submission of a new application, so no change to the rule will be made.

Question 5: Mr. Robertson offered several suggestions related to biomass harvesting. These suggestions consisted primarily of sustainable harvesting guidelines (similar to Mr. Brundage's comments, see Comment #4), third-party certification by a Missouri Master Logger, best practices guidelines, and a suggestion to use Delaware standards.

RESPONSE: These concerns have been addressed in Comment #4, Question 2 above.

Question 6: Mr. Robertson suggested that the words "administration of" be struck from the last sentence in subsection (5)(B).

RESPONSE AND EXPLANATION OF CHANGE: The department will remove "administration of" from the proposed rule.

Question 7: Mr. Robertson pointed out an incorrect statutory reference in part (4)(C)3.D.(V).

RESPONSE AND EXPLANATION OF CHANGE: That correction will be made to reflect that the correct statutory reference in the rule should be section 640.155, RSMo, and not section 641.155, RSMo.

10 CSR 140-8.010 Certification of Renewable Energy and Renewable Energy Standard Compliance Account

(2) Eligible Renewable Energy Resources.

(A) Eligible Renewable Energy Resources. The electricity must be derived from one (1) of the following types of renewable energy resources or technologies, as defined in section 393.1025(5), RSMo:

1. Wind;
2. Solar thermal sources or solar photovoltaic cells and panels;
3. Dedicated crops grown for energy production—herbaceous and woody crops that are harvested specifically for energy production in a sustainable manner;
4. Cellulosic agricultural residues—organic matter remaining after the harvesting and processing of agricultural crops. They include—

A. Field residues, which are organic materials left on agricultural lands after the crops have been harvested, such as stalks, stubble, leaves, and seed pods; and

B. Process residues, which are organic materials left after the crops have been processed into a usable resource, such as husks, seeds, and roots;

5. Plant residues—the residues of plants that would be converted into energy, that otherwise would be waste material;

6. Clean and untreated wood—non-hazardous wood 1) that has not been chemically treated with chemical preservatives such as creosote, pentachlorophenol, or chromated copper arsenate; and 2) that does not contain resins, glues, laminates, paints, preservatives, or other treatments that would combust or off-gas, or mixed with any other material that would burn, melt, or create other residue aside from wood ash.

A. Eligible clean and untreated wood may include, but is not necessarily limited to, the following sources:

(I) Forest-related resources, such as pre-commercial thinnings waste, slash (tree tops, branches, bark, or other residue left on the ground after logging or other forestry operations), brush, shrubs, stumps, lumber ends, trimmings, yard waste, dead and downed forest products, and small diameter forest thinnings (twelve inches (12") in diameter or less);

(II) Non-chemically treated wood and paper manufacturing waste, such as bark, trim slabs, scrap, shavings, sawdust, sander dust, and pulverized scraps;

(III) Vegetation waste, such as landscape waste or right-of-way trimmings;

(IV) Wood chips, pellets, or briquettes derived from non-toxic and unadulterated wood wastes or woody energy crops;

(V) Municipal solid waste, construction and demolition waste, urban wood waste, and other similar sources only if wood wastes are segregated from other solid wastes or inorganic wastes; and

(VI) Other miscellaneous waste, such as waste pellets, pallets, crates, dunnage, scrap wood, tree debris left after a natural catastrophe, and recycled paper fibers that are no longer suitable for recycled paper production.

B. Ineligible clean and untreated wood may include, but is not necessarily limited to, the following sources:

(I) Post-consumer wastepaper;

(II) Wood from old growth forests (one hundred fifty (150) years old or older); and

(III) Unsegregated solid waste;

7. Methane from landfills or from wastewater treatment. Wastewater treatment is defined as physical, chemical, biological, and mechanical procedures applied to an industrial or municipal discharge or to any other sources of contaminated water to remove, reduce, or neutralize contaminants;

8. Hydropower, not including pumped storage, that does not require a new diversion or impoundment of water and that each generator has a nameplate rating of ten megawatts (10 MW) or less. If an improvement to an existing hydropower facility does not require a new diversion or impoundment of water and incrementally increases the nameplate rating of each generator, up to ten megawatts (10 MW) per generator, the improvement qualifies as an eligible renewable energy resource;

9. Fuel cells using hydrogen produced by one (1) of the above-named renewable energy resources. RECs based on generating electricity in fuel cells from hydrogen derived from an eligible energy resource are eligible for compliance purposes only to the extent that the energy used to generate the hydrogen did not create RECs; or

10. Other sources of energy, not including nuclear, that may become available after November 4, 2008, and are certified as eligible renewable energy resources as provided in section (3) of this rule.

(4) Certification of Renewable Energy Generation Facilities and Environmental Impact.

(C) Certification Review Process.

1. Certification reviews will be conducted by the department for renewable energy generation facilities upon application.

2. The certification review shall consider the eligibility of energy sources used by the facility to generate electricity. A determination will be made by the department as to whether the generation has caused or will cause undue adverse air, water, or land use impacts, including impacts associated with the gathering of generation feedstocks.

3. The certification review process may be initiated by an electric utility or by a facility by submitting an application for certification to the department. The department shall consider all such applications for certification and shall conduct a certification review process in response to all properly completed petitions. An application for certification must include:

A. A detailed technical description of energy sources, including fuel type, technology, and expected operating specifications, used by the facility to generate electricity and their conformity with the eligible renewable energy resources listed in section (2) and additional renewable energy resources certified by the department pursuant to section (3);

B. If any amount of fossil fuel is used in the generation process, a description of agreements or systems in place that assure sufficient data will be available to determine the portion of electrical output attributable to only the renewable energy resource;

C. An assessment of the facility's air, water, or land use

impacts, including impacts associated with the gathering of generation feedstocks. An assessment shall include, but is not limited to, demonstrating compliance with permits and agricultural and forestry best management practices, such as the "Missouri Woody Biomass Harvesting—Best Management Practices Manual" guidelines published by the Missouri Department of Conservation, found online at: <http://mdc4.mdc.mo.gov/Documents/18043.pdf>, if applicable, and verification of compliance from a Missouri professional forester, if applicable. This assessment shall also include information concerning any applications for approvals or permits, or reviews or investigations by governmental entities with regard to environmental impacts;

D. The application for certification shall also state the following:

(I) That the electric utility or facility will obtain and/or maintain all applicable environmental permits required by the department;

(II) That the facility is and will remain in substantial compliance with all federal and state air, water, and land environmental laws, regulations, and rules, and that the applicant will report to the department any instance in which the applicant or any member of its board of directors or principals is determined by any administrative agency or any court in connection with any judicial proceeding to be in noncompliance with any federal or state air, water, and land environmental laws, regulations, and rules, such report to be submitted within ten (10) working days following such determination;

(III) That the electric utility applicant will timely file its *Annual RES Compliance Report* with the commission pursuant to section 393.1030.2(3), RSMo;

(IV) That the utility will submit additional information that the department may require for its review of the facility's energy sources and environmental impact with appropriate provision for confidentiality of sensitive information; i.e., protection of energy information pursuant to section 640.155, RSMo;

(V) That contracts for the acquisition of renewable energy resources shall provide for release of information to the department with appropriate provision for confidential treatment of any sensitive information, such as pursuant to section 640.155, RSMo; and

(VI) To grant or obtain for the department access to facility sites and records for the purpose of verifying statements made in the petition; and

E. A statement signed by a designated official of the electric utility or renewable energy generation facility attesting that "I have personally examined the information submitted herein by [name of electric utility or renewable energy generation facility], I attest that this information is accurate and complete and that I am authorized to make this statement on behalf of [name of utility or facility]."

4. On completion of its review, the department shall certify the facility if all requirements herein have been met. The department may deny certifying the facility if those requirements are not met or for reasons stated in subparagraph (4)(C)4.A. The department may revoke certification as provided in subparagraph (4)(C)4.B.

A. The department may deny certification if the application is deficient or if the department finds—

(I) That the energy sources and technologies used to generate electricity are not eligible renewable energy resources as set forth in section (2) or additional renewable energy resources certified by the department pursuant to section (3); or

(II) That the facility has significant and unresolved violations of existing federal or state air, water, or land environmental regulations; or

(III) That the facility has not adhered to forestry or agricultural best management practices consequently resulting in undue adverse air, water, or land use impacts, and that agreement cannot be reached on actions that the utility or generation facility will undertake that are sufficient to offset or mitigate the adverse impacts.

B. Any of the following actions may result in revocation of certification as an eligible renewable energy generation facility:

(I) Falsification of or failure to disclose any required information in the application for certification;

(II) Failure to remain in substantial compliance with all federal and state laws, regulations, and rules for the protection of the environment;

(III) A significant increase in adverse environmental impacts resulting from electric generation at the renewable energy generation facility;

(IV) Failure to disclose information on a confidential basis that is essential for verifying the facility's compliance with requirements for certification as an eligible renewable generation facility;

(V) Re-marketing or reselling of REC(s) after it has been sold to an electric utility; or

(VI) Failure to obtain and/or maintain all applicable environmental permits required by the department.

5. A renewable energy generation facility which is denied certification or whose certification is revoked by the department shall not be eligible for use to meet the Renewable Energy Standard requirements in section 393.1030, RSMo, until such time as the facility has been certified or recertified by the department.

6. The public may file a complaint asking the department to conduct a revocation review of a certified renewable energy generation facility. The complaint must list alleged violation(s) by the facility, the facility's name, date of violation(s), types of violation(s), and the address of the facility.

(5) Renewable Energy Standard Compliance Account.

(B) Funds remitted to the department as a result of utilities' failure to comply with the Renewable Energy Standard as provided in subsection 393.1030.2.(2), RSMo, shall be deposited into the compliance account and shall be used to purchase a sufficient number of renewable energy credits to offset the deficit in RECs. Funds deposited in the compliance account in excess of the funds required for the purchase of RECs to offset the deficit in RECs shall be used by the department solely for renewable energy and energy efficiency projects.

Title 11—DEPARTMENT OF PUBLIC SAFETY

Division 45—Missouri Gaming Commission

Chapter 1—Organization and Administration

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2010, the commission amends a rule as follows:

11 CSR 45-1.010 Organization and Administration is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2010 (35 MoReg 1095-1096). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on September 8, 2010, and the public comment period ended on September 1, 2010. No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY

Division 45—Missouri Gaming Commission

Chapter 9—Internal Control System

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission (MGC) under section 313.805, RSMo Supp. 2010, the commission adopts a rule as follows:

11 CSR 45-9.113 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 2, 2010 (35 MoReg 1096-1097). Changes have been made to the *Minimum Internal Control Standards* (MICS) as incorporated by reference in Chapter M, and those changes are explained in the comments below. Changes have been made to the text of the proposed rule, so it is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed rule on September 8, 2010, and the public comment period ended on September 1, 2010. Written comments were received from the Missouri Gaming Association (MGA).

COMMENT #1: MGA requested a change to MICS, Chapter M, section 4.04 to allow for the supervisor on duty to also be able to review surveillance footage.

RESPONSE: MGC does not want front-line supervisors reviewing surveillance recordings. This review should be limited to management personnel. A casino shift manager on duty can review coverage when department managers are not present. No change will be made to the rule.

COMMENT #2: MGA requested a change to MICS, Chapter M, section 5.01(C)(10) to remove the requirement for surveillance personnel to log in and log out on the Surveillance Shift Log each time when entering and exiting the surveillance room.

RESPONSE AND EXPLANATION OF CHANGE: This requirement is further clarifying 11 CSR 45-7.070. The commission will revise MICS, Chapter M, section 5.01(C)(10) to exclude logging of surveillance and MGC personnel entering and exiting the surveillance room except for surveillance personnel at the beginning and ending of their shift which is now required by section 5.01(C)(11).

11 CSR 45-9.113 Minimum Internal Control Standards—Chapter M

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter M—Surveillance, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter M does not incorporate any subsequent amendments or additions as adopted by the commission on September 29, 2010.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 9—Internal Control System

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission (MGC) under section 313.805, RSMo Supp. 2010, the commission adopts a rule as follows:

11 CSR 45-9.114 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 2, 2010 (35 MoReg 1098). Changes have been made to the *Minimum Internal*

Control Standards (MICS) as incorporated by reference in Chapter N, and those changes are explained in the comments below. Changes have been made to the text of the proposed rule, so it is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed rule on September 8, 2010, and the public comment period ended on September 1, 2010. Written comments were received from the Missouri Gaming Association (MGA).

COMMENT #1: MGA requested an additional phrase be added at the beginning of MICS, Chapter N, section 4.04 to read—"Using a method detailed in their internal controls . . ." MGA believes adding this new phrase will allow each licensee to detail in their internal controls how they intend to comply with this requirement.

RESPONSE AND EXPLANATION OF CHANGE: MGC will reword the section as requested.

COMMENT #2: MGA noted some of the same information as submitted by licensees in the Emergency Action Plan appears to also be required in MICS, Chapter N, section 5.01. MGA questions why it is necessary to restate information in the internal controls if it can be found in the Emergency Action Plan.

RESPONSE: MICS, Chapter N, section 5.01 requires the procedures for the role security plays in the activities and events listed in MICS, Chapter N, section 5.01 to secure public safety and to protect assets. No changes will be made as a result of this comment.

11 CSR 45-9.114 Minimum Internal Control Standards—Chapter N

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter N—Security, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter N does not incorporate any subsequent amendments or additions as adopted by the commission on September 29, 2010.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 9—Internal Control System

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2010, the commission adopts a rule as follows:

11 CSR 45-9.118 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 2, 2010 (35 MoReg 1098-1099). Changes have been made to the *Minimum Internal Control Standards* (MICS) as incorporated by reference in Chapter R, and those changes are explained in the comment below. Changes have been made to the text of the proposed rule, so it is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed rule on September 8, 2010, and the public comment period ended on September 1, 2010. One (1) staff comment was received.

COMMENT: A staff member suggested a revision to Minimum Internal Control Standards (MICS), Chapter R, section 7.01(FF)7) to remove the requirement to have a surveillance agent sign each log entry.

RESPONSE AND EXPLANATION OF CHANGE: A variance, currently in effect, allows the name and Missouri Gaming Commission (MGC) license number of the surveillance agent in place of the signature of the surveillance agent. MICS, Chapter R, section 7.01(FF)7) will be revised to reflect the change allowed by the variance.

11 CSR 45-9.118 Minimum Internal Control Standards—Chapter R

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter R—Forms, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter R does not incorporate any subsequent amendments or additions as adopted by the commission on September 29, 2010.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 15—Hospital Program**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.152, 208.153, 208.201, and 208.471, RSMo Supp. 2010, the division amends a rule as follows:

13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2010 (35 MoReg 1108-1110). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 15—Hospital Program**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.201 and 208.453, RSMo Supp. 2010 and section 208.455, RSMo 2000, the division amends a rule as follows:

13 CSR 70-15.110 Federal Reimbursement Allowance (FRA) is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2010 (35 MoReg 1111-1113). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title—19 DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 1—Controlled Substances**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 195.017 and 195.417, RSMo Supp. 2010, and sections 195.030, 195.050, and 195.195, RSMo 2000, the department amends a rule as follows:

19 CSR 30-1.074 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2010 (35 MoReg 1116-1123). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Health and Senior Services received one (1) letter from the National Association of Chain Drug Stores that contained four (4) comments on the proposed amendment.

COMMENT #1: The definition "valid photo identification" in subsection (1)(C) should be amended to match the federal definition in federal regulation 8 CFR 274a.2(b)(1)(v)(A) and (B), as long as the identification includes the purchaser's date of birth.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has amended the definition in subsection (1)(C) to match the federal definition.

COMMENT #2: There is a drafting error in paragraph (3)(L)1. where it refers to an exception to the quantity and age restrictions for sales in subsection (3)(D). The correct reference appears to be paragraph (3)(L)4. which allows a dispenser to override a stop sales alert in situations where the dispenser perceives imminent physical harm if he or she does not complete the sale.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has amended paragraph (3)(L)1. accordingly.

COMMENT #3: The language regarding the sales of methamphetamine precursor products to minors in paragraphs (3)(L)1. and 2. is duplicative.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has deleted the duplicative language in paragraph (3)(L)2.

COMMENT #4: The logbook requirements under subsections (3)(H), (J), (K), and (L) regarding documentation of alterations, changes, deletions, or records of sales when the system is down should be allowed to be maintained electronically or in a bound logbook.

RESPONSE: The department respectfully disagrees with this change. Discussions with law enforcement and regulatory representatives on the system's bid evaluation committee expressed concerns that a common and major source of drug diversion in pharmacies is from staff altering and deleting records in a computer. Sometimes these alterations occur without the supervision of a pharmacist. The rule requires a separate logbook where alterations can be noticed without an investigation into the pharmacy computer's access and software history. The rule also requires a pharmacist to review the logbook to note alterations. The logbook can also be verified against the system access and entries that have been recorded by the database provider.

19 CSR 30-1.074 Dispensing Without a Prescription

(1) Definitions. For the purposes of this rule, the following terms shall apply:

(C) “Valid photo identification” means a photo identification that is issued by a state or the federal government or a document that, with respect to identification, is considered acceptable and showing the date of birth of the person, including forms of identification acceptable under federal regulations 8 CFR 274a.2(b)(1)(v)(A) and (B).

(3) Methamphetamine precursor products may be sold, dispensed, distributed, or otherwise provided only as follows:

(L) Denials of Sales and Dispensings.

1. Except as provided in subsection (D) of this section, if an individual attempts to purchase a methamphetamine precursor product in violation of the three and six-tenths (3.6) gram per day or nine (9) gram per month quantity restrictions or age restriction established by sections 195.017 and 195.417, RSMo, the dispenser shall refuse to make the sale. The purchaser must be at least eighteen (18) years of age.

2. Sales of methamphetamine precursor products shall be denied to purchasers who are not able to produce a valid government issued identification card with the required information displayed on it.

3. In the event that the dispenser perceives that refusal of the purchase may place him or her in imminent physical harm, then the dispenser may use the database safety override function to proceed with the transaction, provided that—

A. When jeopardy is no longer perceived, the dispenser shall immediately contact local law enforcement to report the purchase; and

B. The dispenser shall document in their manual log, the circumstance, the individual contacted at the local law enforcement agency, and the date and time of that contact;

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

Schedule of Compensation as Required by Section 105.005, RSMo

<u>Office</u>	<u>RSMo Citation</u>	<u>Statutory Salary FY 2010</u>	<u>Statutory Salary FY 2011</u>
<u>Elected Officials</u>			
Governor	26.010	\$133,821	\$133,821
Lt. Governor	26.010	86,484	86,484
Attorney General	27.010	116,437	116,437
Secretary of State	28.010	107,746	107,746
State Treasurer	30.010	107,746	107,746
State Auditor	29.010	107,746	107,746
<u>General Assembly</u>			
Senator	21.140	35,915	35,915
Representative	21.140	35,915	35,915
Speaker of House	21.140	38,415	38,415
President Pro Tem of Senate	21.140	38,415	38,415
Speaker Pro Tem of the House	21.140	37,415	37,415
Majority Floor Leader of House	21.140	37,415	37,415
Majority Floor Leader of Senate	21.140	37,415	37,415
Minority Floor Leader of House	21.140	37,415	37,415
Minority Floor Leader of Senate	21.140	37,415	37,415
<u>State Tax Commissioners</u>	138.230	105,070	105,070
<u>Administrative Hearing Commissioners</u>	621.015	102,430 **	102,430
<u>Labor and Industrial Relations</u>			
<u>Commissioners</u>	286.005	105,070	105,070
<u>Division of Workers' Compensation</u>			
Chief Legal Counsel	287.615	89,493 *	89,493 *
Administrative Law Judge	287.615	98,429 *	98,429 *
Administrative Law Judge in Charge	287.615	103,429 *	103,429 *
Director, Division of Workers' Compensation	287.615	105,429	105,429
<u>Public Service Commissioners</u>	386.150	105,070	105,070

	<u>RSMo Citation</u>	<u>Executive Level FY 2010</u>	<u>Executive Level FY 2011</u>
<u>Statutory Department Directors</u>	105.950		
Administration, Agriculture, Corrections, Economic Development, Labor and Industrial Relations, Natural Resources, Public Safety, Revenue, and Social Services		I	I
<u>Probation and Parole</u>	217.665		
Chairman		III	III
Board Members		IV	IV

* Division of Workers' Compensation salaries are tied to those of Associate Circuit Judges.

** This amount is corrected from previously submitted FY 2009 and FY 2010 Schedules.

Schedule of Compensation as Required by Section 476.405, RSMo

	<u>RSMo Citation</u>	<u>Highest Salary FY 2010</u>	<u>Highest Salary FY 2011</u>
<u>Supreme Court</u>			
Chief Justice	477.130	\$139,534	\$139,534
Judges	477.130	137,034	137,034
<u>Court of Appeals</u>			
Judges	477.130	128,207	128,207
<u>Circuit Court</u>			
Circuit Court Judges	478.013	120,484	120,484
Associate Circuit Judges	478.018	109,366	109,366
<u>Juvenile Officers</u>	211.381		
Juvenile Officer		46,204	46,204
Chief Deputy Juvenile Officer		40,164	40,164
Deputy Juvenile Officer Class 1		35,786	35,786
Deputy Juvenile Officer Class 2		32,584	32,584
Deputy Juvenile Officer Class 3		29,715	29,715
<u>Court Reporters</u>	485.060	55,012	55,012
<u>Probate Commissioner</u>	478.266	120,484 *	120,484 *
	& 478.267		
Deputy Probate Commissioner	478.266	109,366 *	109,366 *
<u>Family Court Commissioner</u>	211.023	109,366 *	109,366 *
	& 487.020		
<u>Circuit Clerk</u>			
1st Class Counties	483.083	67,888	67,888
St. Louis City	483.083	111,953	111,953
Jackson, Jasper & Cape Girardeau	483.083	73,413	73,413
2nd & 4th Class Counties	483.083	61,179	61,179
3rd Class Counties	483.083	53,512	53,512
Marion-Hannibal & Palmyra	483.083	60,218	60,218
Randolph & Lewis	483.083	58,489	58,489

*Salaries are tied to those of Circuit and Associate Circuit Judges.

**Missouri Executive Pay Plan
Fiscal Year 2011**

Executive Level	Minimum	Maximum
I	\$85,128	\$123,972
II	\$78,012	\$113,424
III	\$71,544	\$103,860
IV	\$65,676	\$95,040
V	\$53,292	\$76,284

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

**7 CSR 10-25.010 Skill Performance Evaluation Certificates for
Commercial Drivers**

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates, from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce, because of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below on or before December 15, 2010.

ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:

- *Email:* Kathy.Hatfield@modot.mo.gov
- *Mail:* PO Box 893, Jefferson City, MO 65102-0893
- *Hand Delivery:* 1320 Creek Trail Drive, Jefferson City, MO 65109
- *Instructions:* All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection, and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- *Docket:* For access to the department's file to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4:00 p.m., CT, Monday through Friday, except state holidays.

FOR FURTHER INFORMATION, CONTACT: Ms. Kathy Hatfield, Motor Carrier Specialist, (573) 522-9001, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications

requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo Supp. 2010, MoDOT may issue a Skill Performance Evaluation Certificate, for not more than a two (2)-year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing an SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application #MP060120001

Renewal Applicant's Name & Age: Andrew Mullison Hahn, 31

Relevant Physical Condition: Mr. Hahn's best uncorrected visual acuity in his left eye is 20/20 Snellen, and he has a prosthesis in his right eye due to an accident that occurred in 1988.

Relevant Driving Experience: Currently self-employed as an insurance agent and farmer. Previously employed by Farm Coop in Centralia, Missouri, as a straight truck/trailer operator, and a truck tractor/semi-trailer combination operator from June 1999 to March 2004 and drove twenty (20) hours per week. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in June 2010, his optometrist certified, "In my medical opinion, Mr. Hahn's visual deficiency is stable and has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and his condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No accidents or violations within the past three (3) years.

Application #MP050614025

Renewal Applicant's Name & Age: John K. Kauffman, 33

Relevant Physical Condition: Mr. Kauffman's best uncorrected visual acuity in his right eye is 20/15 Snellen, and he has light perception in his left eye due to an accident in 1994.

Relevant Driving Experience: He is currently employed with Allied Waste and has driven commercial motor vehicles for approximately eight (8) years. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in September 2010, his optometrist certified, "In my medical opinion, Mr. Kauffman's visual deficiency is stable and has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and his condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No accidents or violations within the past three (3) years.

Application #MP101015079

Applicant's Name & Age: Tony Joe Cook, 37

Relevant Physical Condition: Mr. Cook's best corrected visual acuity in his left eye is 20/20 Snellen and his right eye is 20/200 Snellen. This visual impairment has been present since birth.

Relevant Driving Experience: He is currently employed with a company that operates dump trucks and small equipment in Wright City, Missouri, and has driven commercial motor vehicles for approximately five (5) years. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in March 2010, his ophthalmologist certified, "In my medical opinion, Mr. Cook's visual deficiency is stable and has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and his condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No accidents or violations within the past three (3) years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: October 15, 2010

Jan Skouby, Motor Carrier Services Director, Missouri Department of Transportation.

**STATUTORY LIST OF CONTRACTORS
BARRED FROM PUBLIC WORKS PROJECTS**

The following is a list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law and whose Notice of Conviction has been filed with the Secretary of State pursuant to section 290.330, RSMo. Under this statute, no public body is permitted to award a contract, directly or indirectly, for public works 1) to Michael B. Robin, 2) to any other contractor or subcontractor that is owned, operated, or controlled by Mr. Robin, including Plumbco, Inc., or 3) to any other simulation of Mr. Robin or of Plumbco, Inc., for a period of one (1) year, or until December 17, 2010.

Name of Contractor	Name of Officers	Address	Date of Conviction	Debarment Period
Michael B. Robin DBA Plumbco, Inc. Case No. 09AO-CR01174		7534 Heron Drive Neosho, MO 64804	12/17/09	12/17/2009–12/17/2010

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

NOTICE OF WINDING UP FOR MEATEK FOODS, LLC

Notice is hereby given that Meatek Foods, LLC, a Missouri Limited Liability Company in good standing, has been dissolved and is winding up its business affairs. Any person or entity asserting any claim against Meatek Foods, LLC must present that claim, in writing, to the address indicated below. Any claim must include the following information:

1. Amount of the claim (in dollars);
2. Basis for the claim;
3. Documentation of the claim;
4. A short description of the claim;
5. The date on which the claim arose, and
6. A copy of any demands made upon Meatek Foods, LLC in connection with the claim.

ANY CLAIM AGAINST MEATEK FOODS, LLC WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN THREE YEARS AFTER THE PUBLICATION DATE OF THIS NOTICE.

SEND CLAIMS TO:

Thomas H. Bottini
7700 Forsyth Blvd., Suite 1800,
St. Louis, Missouri 63105-1847
Attorney for Meatek Foods, LLC

NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY

To All Creditors of and Claimants Against

EconomicalMail, LLC

a Missouri Limited Liability Company

On October 20, 2010, EconomicalMail, LLC ("Company") filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

Claims against Company should be presented immediately to Company c/o Joan Sale, 628 Loehr Estates Drive, Ballwin, Missouri 63021. Claims must include claimant's name, address and telephone; amount of claim; basis for claim; and documentation of the claim. A claim against Company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

**NOTICE OF DISSOLUTION
TO ALL CREDITORS OF AND
CLAIMANTS AGAINST
SSJ CONSTRUCTION LLC**

On October 1, 2010, SSJ Construction LLC, a Missouri limited liability company (the “Company”), filed its Notice of Winding Up for a Limited Liability Company with the Secretary of State of Missouri. The Company requests that any and all claims against the Company be presented by letter to the Company in care of Joseph A. Wotka, 929 DeMun, Clayton, Missouri 63105. Each claim against the Company must include the following information: the name, the address and telephone number of the claimant; the amount of the claim; the date on which the claim arose; a brief description of the nature of or the basis for the claim; and any documentation related to the claim. All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				30 MoReg 2435 This Issue
1 CSR 15-3.290	Administrative Hearing Commission		35 MoReg 1381		
1 CSR 15-3.350	Administrative Hearing Commission	35 MoReg 1367	35 MoReg 1381		
1 CSR 15-3.380	Administrative Hearing Commission	35 MoReg 1367	35 MoReg 1382		
1 CSR 15-3.431	Administrative Hearing Commission		35 MoReg 1382		
1 CSR 15-3.436	Administrative Hearing Commission	35 MoReg 1368	35 MoReg 1383		
1 CSR 15-3.446	Administrative Hearing Commission	35 MoReg 1368	35 MoReg 1383		
1 CSR 15-3.480	Administrative Hearing Commission		35 MoReg 1384		
1 CSR 15-3.490	Administrative Hearing Commission	35 MoReg 1369	35 MoReg 1384		
1 CSR 15-3.500	Administrative Hearing Commission		35 MoReg 1384		
1 CSR 15-3.560	Administrative Hearing Commission		35 MoReg 1385		
1 CSR 20-1.010	Personnel Advisory Board and Division of Personnel	35 MoReg 1369	35 MoReg 1385		
1 CSR 20-1.030	Personnel Advisory Board and Division of Personnel	35 MoReg 1370	35 MoReg 1386		
1 CSR 20-2.015	Personnel Advisory Board and Division of Personnel	35 MoReg 1370	35 MoReg 1386		
1 CSR 20-3.010	Personnel Advisory Board and Division of Personnel	35 MoReg 1371	35 MoReg 1387		
1 CSR 20-3.020	Personnel Advisory Board and Division of Personnel	35 MoReg 1372	35 MoReg 1387		
1 CSR 20-3.030	Personnel Advisory Board and Division of Personnel	35 MoReg 1372	35 MoReg 1388		
1 CSR 20-3.070	Personnel Advisory Board and Division of Personnel	35 MoReg 1373	35 MoReg 1388		
1 CSR 20-3.080	Personnel Advisory Board and Division of Personnel	35 MoReg 1374	35 MoReg 1390		
1 CSR 20-4.010	Personnel Advisory Board and Division of Personnel	35 MoReg 1375	35 MoReg 1390		
1 CSR 20-4.020	Personnel Advisory Board and Division of Personnel	35 MoReg 1379	35 MoReg 1394		
1 CSR 50-3.010	Missouri Ethics Commission	35 MoReg 1379	35 MoReg 1400		
DEPARTMENT OF AGRICULTURE					
2 CSR 70-11.060	Plant Industries	35 MoReg 721	35 MoReg 756 35 MoReg 1453		
2 CSR 80-3.070	State Milk Board		35 MoReg 855	35 MoReg 1487	
2 CSR 90	Weights and Measures				35 MoReg 1284
DEPARTMENT OF CONSERVATION					
3 CSR 10-4.117	Conservation Commission		35 MoReg 1533		
3 CSR 10-5.225	Conservation Commission		35 MoReg 1533		
3 CSR 10-5.436	Conservation Commission		35 MoReg 1534		
3 CSR 10-5.567	Conservation Commission		35 MoReg 1534		
3 CSR 10-6.410	Conservation Commission		35 MoReg 1534		
3 CSR 10-6.505	Conservation Commission		35 MoReg 1400	This Issue	
3 CSR 10-6.525	Conservation Commission		35 MoReg 1535		
3 CSR 10-6.535	Conservation Commission		35 MoReg 1401	This Issue	
3 CSR 10-6.605	Conservation Commission		35 MoReg 1535		
3 CSR 10-7.410	Conservation Commission		35 MoReg 1535		
3 CSR 10-7.431	Conservation Commission		35 MoReg 1536		
3 CSR 10-7.432	Conservation Commission		35 MoReg 1536		
3 CSR 10-7.438	Conservation Commission		35 MoReg 1537		
3 CSR 10-7.440	Conservation Commission		N.A.	35 MoReg 1412	
3 CSR 10-7.445	Conservation Commission		35 MoReg 1537		
3 CSR 10-7.455	Conservation Commission		35 MoReg 1537		35 MoReg 316
3 CSR 10-8.510	Conservation Commission		35 MoReg 1538		
3 CSR 10-9.105	Conservation Commission		35 MoReg 1538		
3 CSR 10-9.110	Conservation Commission		35 MoReg 1541		
3 CSR 10-9.430	Conservation Commission		35 MoReg 1542		
3 CSR 10-9.440	Conservation Commission		35 MoReg 1542		
3 CSR 10-9.442	Conservation Commission		35 MoReg 1542		
3 CSR 10-11.130	Conservation Commission		35 MoReg 1246	35 MoReg 1694	
3 CSR 10-11.155	Conservation Commission		35 MoReg 1545		
3 CSR 10-11.160	Conservation Commission		35 MoReg 1545		
3 CSR 10-11.180	Conservation Commission		35 MoReg 1545		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
3 CSR 10-11.181	Conservation Commission		35 MoReg 1546		
3 CSR 10-11.182	Conservation Commission		35 MoReg 1547		
3 CSR 10-11.205	Conservation Commission		35 MoReg 1547		
3 CSR 10-11.210	Conservation Commission		35 MoReg 1547		
3 CSR 10-11.215	Conservation Commission		35 MoReg 1548		
3 CSR 10-12.110	Conservation Commission		35 MoReg 1401	This Issue	
3 CSR 10-12.115	Conservation Commission		35 MoReg 1402	This Issue	
3 CSR 10-12.125	Conservation Commission		35 MoReg 1402	This Issue	
3 CSR 10-12.140	Conservation Commission		35 MoReg 1403	This Issue	
3 CSR 10-12.145	Conservation Commission		35 MoReg 1404	This Issue	
3 CSR 10-12.155	Conservation Commission		35 MoReg 1405	This Issue	
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 170-2.010	Missouri Housing Development Commission		35 MoReg 963R	This IssueR	
4 CSR 170-2.100	Missouri Housing Development Commission		35 MoReg 963	This Issue	
4 CSR 170-3.010	Missouri Housing Development Commission		35 MoReg 964R	This IssueR	
4 CSR 170-3.100	Missouri Housing Development Commission		35 MoReg 964	This Issue	
4 CSR 170-3.200	Missouri Housing Development Commission		35 MoReg 964	This Issue	
4 CSR 170-4.010	Missouri Housing Development Commission		35 MoReg 965R	This IssueR	
4 CSR 170-4.100	Missouri Housing Development Commission		35 MoReg 965	This Issue	
4 CSR 170-4.200	Missouri Housing Development Commission		35 MoReg 966	This Issue	
4 CSR 170-4.300	Missouri Housing Development Commission		35 MoReg 966	This Issue	
4 CSR 170-5.010	Missouri Housing Development Commission		35 MoReg 967R	This IssueR	
4 CSR 170-5.020	Missouri Housing Development Commission		35 MoReg 968R	This IssueR	
4 CSR 170-5.030	Missouri Housing Development Commission		35 MoReg 968R	This IssueR	
4 CSR 170-5.040	Missouri Housing Development Commission		35 MoReg 968R	This IssueR	
4 CSR 170-5.050	Missouri Housing Development Commission		35 MoReg 969R	This IssueR	
4 CSR 170-5.100	Missouri Housing Development Commission		35 MoReg 969	This Issue	
4 CSR 170-5.200	Missouri Housing Development Commission		35 MoReg 970	This Issue	
4 CSR 170-5.300	Missouri Housing Development Commission		35 MoReg 971	This Issue	
4 CSR 170-5.400	Missouri Housing Development Commission		35 MoReg 971	This Issue	
4 CSR 170-5.500	Missouri Housing Development Commission		35 MoReg 973	This Issue	
4 CSR 170-6.010	Missouri Housing Development Commission		35 MoReg 973R	This IssueR	
4 CSR 170-6.100	Missouri Housing Development Commission		35 MoReg 974	This Issue	
4 CSR 170-6.200	Missouri Housing Development Commission		35 MoReg 975	This Issue	
4 CSR 240-3.163	Public Service Commission		35 MoReg 1610		
4 CSR 240-3.164	Public Service Commission		35 MoReg 1629		
4 CSR 240-3.510	Public Service Commission		This Issue		
4 CSR 240-20.093	Public Service Commission		35 MoReg 1647		
4 CSR 240-20.094	Public Service Commission		35 MoReg 1667		
4 CSR 240-22.010	Public Service Commission		This Issue		
4 CSR 240-22.020	Public Service Commission		This Issue		
4 CSR 240-22.030	Public Service Commission		This Issue		
4 CSR 240-22.040	Public Service Commission		This Issue		
4 CSR 240-22.045	Public Service Commission		This Issue		
4 CSR 240-22.050	Public Service Commission		This Issue		
4 CSR 240-22.060	Public Service Commission		This Issue		
4 CSR 240-22.070	Public Service Commission		This Issue		
4 CSR 240-22.080	Public Service Commission		This Issue		
4 CSR 240-123.080	Public Service Commission		35 MoReg 1686		
4 CSR 240-125.090	Public Service Commission		35 MoReg 1686		
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 50-270.010	Division of School Improvement		35 MoReg 210		
			35 MoReg 1019	35 MoReg 1694	
5 CSR 50-321.010	Division of School Improvement		35 MoReg 857R		
5 CSR 50-350.040	Division of School Improvement		35 MoReg 1080R		
DEPARTMENT OF HIGHER EDUCATION					
6 CSR 250-11.041	University of Missouri	35 MoReg 161	34 MoReg 2592		
			35 MoReg 757	35 MoReg 1413	
6 CSR 250-11.042	University of Missouri		34 MoReg 2594		
			35 MoReg 762	35 MoReg 1413	
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-16.010	Missouri Highways and Transportation Commission		35 MoReg 1173R		
7 CSR 10-16.020	Missouri Highways and Transportation Commission		35 MoReg 1173R		
			35 MoReg 1173		
7 CSR 10-16.025	Missouri Highways and Transportation Commission		35 MoReg 1174		
7 CSR 10-16.030	Missouri Highways and Transportation Commission		35 MoReg 1174R		
7 CSR 10-16.035	Missouri Highways and Transportation Commission		35 MoReg 1175		
7 CSR 10-16.040	Missouri Highways and Transportation Commission		35 MoReg 1178R		
7 CSR 10-16.045	Missouri Highways and Transportation Commission		35 MoReg 1178		
7 CSR 10-16.050	Missouri Highways and Transportation Commission		35 MoReg 1180		
7 CSR 10-25.010	Missouri Highways and Transportation Commission				35 MoReg 1424 This Issue
7 CSR 60-2.010	Highway Safety Division	35 MoReg 722	35 MoReg 764	35 MoReg 1489	
7 CSR 60-2.030	Highway Safety Division	35 MoReg 724	35 MoReg 765	35 MoReg 1489	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 30-3.060	Division of Labor Standards		35 MoReg 1405		
DEPARTMENT OF MENTAL HEALTH					
9 CSR 30-4.034	Certification Standards		35 MoReg 935	35 MoReg 1414	
9 CSR 30-4.045	Certification Standards	35 MoReg 1017	35 MoReg 1022	This Issue	
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-2.070	Air Conservation Commission		35 MoReg 766R	35 MoReg 1414R	
10 CSR 10-3.090	Air Conservation Commission		35 MoReg 766R	35 MoReg 1415R	
10 CSR 10-4.070	Air Conservation Commission		35 MoReg 767R	35 MoReg 1415R	
10 CSR 10-5.160	Air Conservation Commission		35 MoReg 767R	35 MoReg 1415R	
10 CSR 10-5.480	Air Conservation Commission		35 MoReg 1080		
10 CSR 10-6.020	Air Conservation Commission		35 MoReg 858	35 MoReg 1575	
10 CSR 10-6.070	Air Conservation Commission		35 MoReg 1091		
10 CSR 10-6.075	Air Conservation Commission		35 MoReg 1092		
10 CSR 10-6.080	Air Conservation Commission		35 MoReg 1094		
10 CSR 10-6.165	Air Conservation Commission		35 MoReg 768	35 MoReg 1415	
10 CSR 10-6.400	Air Conservation Commission		35 MoReg 1095		
10 CSR 20-8.110	Clean Water Commission		35 MoReg 1454		
10 CSR 60-4.025	Safe Drinking Water Commission		35 MoReg 769	35 MoReg 1575	
10 CSR 60-5.010	Safe Drinking Water Commission		35 MoReg 778	35 MoReg 1578	
10 CSR 60-7.010	Safe Drinking Water Commission		35 MoReg 778	35 MoReg 1578	
10 CSR 60-8.010	Safe Drinking Water Commission		35 MoReg 781	35 MoReg 1579	
10 CSR 60-8.030	Safe Drinking Water Commission		35 MoReg 785	35 MoReg 1579	
10 CSR 60-9.010	Safe Drinking Water Commission		35 MoReg 793	35 MoReg 1579	
10 CSR 70-4.010	Soil and Water Districts Commission		35 MoReg 214R		
			35 MoReg 214		
10 CSR 70-5.010	Soil and Water Districts Commission	34 MoReg 1779	35 MoReg 216R		
			35 MoReg 216		
10 CSR 70-5.040	Soil and Water Districts Commission	34 MoReg 1783	35 MoReg 217R		
			35 MoReg 217		
10 CSR 70-5.050	Soil and Water Districts Commission	34 MoReg 1785	35 MoReg 217R		
			35 MoReg 217		
10 CSR 70-5.060	Soil and Water Districts Commission	34 MoReg 1786	35 MoReg 219R		
			35 MoReg 219		
10 CSR 140-2.010	Division of Energy	35 MoReg 1523	35 MoReg 1548		
10 CSR 140-2.020	Division of Energy	35 MoReg 1525	35 MoReg 1550		
10 CSR 140-2.030	Division of Energy	35 MoReg 1527R	35 MoReg 1554R		
10 CSR 140-8.010	Division of Energy		35 MoReg 1022	This Issue	
DEPARTMENT OF PUBLIC SAFETY					
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1 CSR 15-3.380	Answers and Other Responsive Pleadings35 MoReg 1367	Sept. 9, 2010	March 7, 2011
1 CSR 15-3.436	Involuntary Dismissal35 MoReg 1368	Sept. 9, 2010	March 7, 2011
1 CSR 15-3.446	Decision on the Complaint without a Hearing35 MoReg 1368	Sept. 9, 2010	March 7, 2011
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13 CSR 70-15.110	Federal Reimbursement Allowance (FRA)35 MoReg 1070	July 1, 2010	Dec. 27, 2010
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20 CSR 2150-2.080 Fees	Jan. 3, 2011 issue . .	Nov. 29, 2010 . . .	May 27, 2011
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20 CSR 2220-2.005 Definitions	35 MoReg 1451 . . .	Sept. 13, 2010 . . .	March 11, 2011
State Committee for Social Workers			
20 CSR 2263-2.031 Acceptable Supervisors and Supervisor Responsibilities	35 MoReg 1310 . . .	Aug. 28, 2010 . . .	Feb. 24, 2011
20 CSR 2263-2.045 Provisional Licenses	35 MoReg 1311 . . .	Aug. 28, 2010 . . .	Feb. 24, 2011
20 CSR 2263-2.050 Application for Licensure as a Social Worker	35 MoReg 1312 . . .	Aug. 28, 2010 . . .	Feb. 24, 2011

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2010			
Emergency Declaration	Proclaims an emergency declaration concerning the damage and structural integrity of the State Route A bridge over the Weldon Fork of the Thompson River	Sept. 28, 2010	35 MoReg 1531
10-26	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies	Sept. 24, 2010	35 MoReg 1529
10-25	Extends the declaration of emergency contained in Executive Order 10-22 for the purpose of protecting the safety and welfare of our fellow Missourians	July 20, 2010	35 MoReg 1244
10-24	Creates the Code of Fair Practices for the Executive Branch of State Government and supersedes paragraph one of Executive Order 05-30	July 9, 2010	35 MoReg 1167
Emergency Declaration	Proclaims that an emergency exists concerning the damage and structural integrity of the U.S. Route 24 bridge over the Grand River	July 2, 2010	35 MoReg 1165
10-23	Activates the state militia in response to severe weather that began on June 12	June 23, 2010	35 MoReg 1078
10-22	Declares a state of emergency and directs the Missouri State Emergency Operations Plan be activated due to severe weather that began on June 12	June 21, 2010	35 MoReg 1076
10-21	Activates the Missouri State Emergency Operations Center	June 15, 2010	35 MoReg 1018
10-20	Establishes the Missouri Civil War Sesquicentennial Commission	April 2, 2010	35 MoReg 754
10-19	Amends Executive Order 09-17 to give the commissioner of the Office of Administration supervisory authority over the Transform Missouri Project	March 2, 2010	35 MoReg 637
10-18	Establishes the Children in Nature Challenge to challenge Missouri communities to take action to enhance children's education about nature, and to increase children's opportunities to personally experience nature and the outdoors	Feb. 26, 2010	35 MoReg 573
10-17	Establishes a Missouri Emancipation Day Commission to promote, consider, and recommend appropriate activities for the annual recognition and celebration of Emancipation Day	Feb. 2, 2010	35 MoReg 525
10-16	Transfers the scholarship portion of the A+ Schools Program from the Missouri Department of Elementary and Secondary Education to the Missouri Department of Higher Education	Jan. 29, 2010	35 MoReg 447
10-15	Transfers the Breath Alcohol Program from the Missouri Department of Transportation to the Missouri Department of Health and Senior Services	Jan. 29, 2010	35 MoReg 445
10-14	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies	Jan. 29, 2010	35 MoReg 443
10-13	Directs the Department of Social Services to disband the Missouri Task Force on Youth Aging Out of Foster Care	Jan. 15, 2010	35 MoReg 364
10-12	Rescinds Executive Orders 98-14, 95-21, 95-17, and 94-19 and terminates the Governor's Commission on Driving While Intoxicated and Impaired Driving	Jan. 15, 2010	35 MoReg 363
10-11	Rescinds Executive Order 05-41 and terminates the Governor's Advisory Council for Veterans Affairs and assigns its duties to the Missouri Veterans Commission	Jan. 15, 2010	35 MoReg 362
10-10	Rescinds Executive Order 01-08 and terminates the Personal Independence Commission and assigns its duties to the Governor's Council on Disability	Jan. 15, 2010	35 MoReg 361
10-09	Rescinds Executive Orders 95-10, 96-11, and 98-13 and terminates the Governor's Council on AIDS and transfers their duties to the Statewide HIV/STD Prevention Community Planning Group within the Department of Health and Senior Services	Jan. 15, 2010	35 MoReg 360
10-08	Rescinds Executive Order 04-07 and terminates the Missouri Commission on Patient Safety	Jan. 15, 2010	35 MoReg 358
10-07	Rescinds Executive Order 01-16 and terminates the Missouri Commission on Intergovernmental Cooperation	Jan. 15, 2010	35 MoReg 357
10-06	Rescinds Executive Order 05-13 and terminates the Governor's Advisory Council on Plant Biotechnology and assigns its duties to the Missouri Technology Corporation	Jan. 15, 2010	35 MoReg 356
10-05	Rescinds Executive Order 95-28 and terminates the Missouri Board of Geographic Names	Jan. 15, 2010	35 MoReg 355
10-04	Rescinds Executive Order 03-10 and terminates the Missouri Energy Policy Council	Jan. 15, 2010	35 MoReg 354
10-03	Rescinds Executive Order 03-01 and terminates the Missouri Lewis and Clark Bicentennial Commission	Jan. 15, 2010	35 MoReg 353

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10-02	Rescinds Executive Order 07-29 and terminates the Governor's Advisory Council on Aging and assigns its duties to the State Board of Senior Services	Jan. 15, 2010	35 MoReg 352
10-01	Rescinds Executive Order 01-15 and terminates the Missouri Commission on Total Compensation	Jan. 15, 2010	35 MoReg 351
2009			
09-29	Outlines the suspension of federal commercial motor vehicle and driver laws during emergency declarations. Executive Orders 07-01 and 08-40 are superceded and replaced on February 1, 2010	December 31, 2009	35 MoReg 205
09-28	Establishes the post of Missouri Poet Laureate. Executive order 08-01 is superceded and replaced	December 24, 2009	35 MoReg 203
09-27	Creates the Missouri Office of Health Information Technology, referred to as MO-HITECH. Executive Order 06-03 is rescinded	November 4, 2009	34 MoReg 2587
09-26	Advises that state offices will be closed November 27, 2009	October 30, 2009	34 MoReg 2466
09-25	Creates the governor's faith-based and community service partnership for disaster recovery	September 21, 2009	34 MoReg 2361
09-24	Creates the prompt pay for a healthy Missouri project	September 11, 2009	34 MoReg 2313
09-23	Designates members of the governor's staff as having supervisory authority over departments, divisions, or agencies	September 1, 2009	34 MoReg 2139
09-22	Appoints the Home Building and Residential Energy Efficiency Advisory panel to issue recommendations on energy efficiency measures for the home building sector and consumers	August 20, 2009	34 MoReg 2137
09-21	Declares a state of emergency exists in the state of Missouri and directs that Missouri State Emergency Operations Plan remain activated	May 14, 2009	34 MoReg 1332
09-20	Gives the director of the Missouri Department of Natural Resources full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to best serve the interests of the public health and safety during the period of the emergency and the subsequent recovery period	May 12, 2009	34 MoReg 1331
09-19	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated	May 8, 2009	34 MoReg 1329
09-18	Orders that all state agencies whose building management falls under the direction of the Office of Administration shall institute policies that will result in reductions of energy consumption of two percent per year for each of the next ten years	April 23, 2009	34 MoReg 1273
09-17	Creates the Transform Missouri Project as well as the Taxpayer Accountability, Compliance, and Transparency Unit, and rescinds Executive Order 09-12	March 31, 2009	34 MoReg 828
09-16	Directs the Department of Corrections to lead a permanent, interagency steering team for the Missouri Reentry Process	March 26, 2009	34 MoReg 826
09-15	Expands the Missouri Automotive Jobs Task Force to consist of 18 members	March 24, 2009	34 MoReg 824
09-14	Designates members of the governor's staff as having supervisory authority over departments, divisions, or agencies	March 5, 2009	34 MoReg 761
09-13	Extends Executive Order 09-04 and Executive Order 09-07 through March 31, 2009	February 25, 2009	34 MoReg 657
09-12	Creates and establishes the Transform Missouri Initiative	February 20, 2009	34 MoReg 655
09-11	Orders the Department of Health and Senior Services and the Department of Social Services to transfer the Blindness Education, Screening and Treatment Program (BEST) to the Department of Social Services	February 4, 2009	34 MoReg 590
09-10	Orders the Department of Elementary and Secondary Education and the Department of Economic Development to transfer the Missouri Customized Training Program to the Department of Economic Development	February 4, 2009	34 MoReg 588
09-09	Transfers the various scholarship programs under the Departments of Agriculture, Elementary and Secondary Education, Higher Education, and Natural Resources to the Department of Higher Education	February 4, 2009	34 MoReg 585
09-08	Designates members of the governor's staff as having supervisory authority over departments, divisions, or agencies	February 2, 2009	34 MoReg 366
09-07	Gives the director of the Missouri Department of Natural Resources the authority to temporarily suspend regulations in the aftermath of severe weather that began on January 26	January 30, 2009	34 MoReg 364
09-06	Activates the state militia in response to the aftermath of severe storms that began on January 26	January 28, 2009	34 MoReg 362
09-05	Establishes a Complete Count Committee for the 2010 Census	January 27, 2009	34 MoReg 359

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09-03	Directs the Missouri Department of Economic Development, working with the Missouri Development Finance Board, to create a pool of funds designated for low-interest and no-interest direct loans for small business	January 13, 2009	34 MoReg 281
09-02	Creates the Economic Stimulus Coordination Council	January 13, 2009	34 MoReg 279
09-01	Creates the Missouri Automotive Jobs Task Force	January 13, 2009	34 MoReg 277

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